LOCAL LAWS

OF

THE STATE OF INDIANA,

PASSED AT

THE THIRTIETH SESSION

OF THE

GENERAL ASSEMBLY,

BEGUN ON THE FIRST MONDAY IN DECEMBER, 1845.

BY AUTHORITY.

INDIANAPOLIS:
J. P. CHAPMAN, STATE PRINTER.
1846.

LAWS

OF A

LOCAL NATURE.

CHAPTER I.

An Act to incorporate the Logansport and Rochester Michigan Road Company.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John W. Wright, Joseph Penrose, James Troutman, and Peter Anderson, of the county of Cass, and James Moore, Adam Pence, Alexander Chamberlain, and Ebenezer Ward, of the county of Fulton, and their associates and successors in office be, and they are hereby constituted a body politic and corporate, for the purpose of constructing a plank or McAdamized road on the present track of the Michigan road, from Logansport, in Cass county, to Rochester, in Fulton county, to be known as the "Logansport and Rochester Michigan Road Company;" and by that name they, and their successors, shall have perpetual succession, and may take, purchase and hold, to them and their successors, in fee simple or any less estate, any lands, tenements, or hereditaments, and also, any personal estate which may be necessary for the efficient prosecution of the object contemplated by this act; and shall be capable by their corporate name aforesaid, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts of competent jurisdiction, and shall have and use a common seal, and the same to break, change or renew at pleasure: *Provided*, That the stock, funds, and property of said company shall be applied to no other use or purpose than is provided for by this act.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars, divided into shares of ten dollars each; and said

company is hereby invested with power to increase the capital stock, if necessary to accomplish the object herein named and contemplated.

SEC. 3. The directors, in this act named, or a majority of them, shall meet at such time and place as they may agree on, and organize said company by electing one of their body president; and after such organization, any five of said board shall be a quorum to transact business.

SEC. 4. So soon as said company shall have duly organized themselves as aforesaid, they shall proceed to open books for subscription to the capital stock of said company at Logansport and Rochester, and such other places as they may deem proper, to receive subscriptions to the stock of said company, which books shall be opened at such times and under such regulations as shall be directed by said company.

SEC. 5. That as soon as five hundred shares are subscribed for, it shall be the duty of said company to give four weeks notice thereof in some public newspaper of this State, and in such notice appoint a time and place to meet and elect eleven directors, who shall be stockholders and citizens of this State; which election shall be held by and conducted under the superintendence of one inspector and two judges, appointed by the stockholders present, and the person having received the highest number of votes shall be declared duly elected; in all elections by the stockholders of said company, each stockholder shall be entitled to one vote for each share not exceeding ten—and for every two shares above ten, and not exceeding twenty, one vote—and for every three shares above twenty, and not exceeding fifty, one vote; and the directors thus elected, shall hold their offices until their successors are elected: *Provided*, That said election and all subsequent elections for directors, shall be by ballot; and said votes may be given by the person owning the same, or by one of any partners, or by any trustee or guardian or administrator or executor, or by the agent of any incorporation owning any of the stock aforesaid, and any person having a right to vote may vote by proxy.

SEC. 6. After said first election all subsequent elections shall be holden at Rochester, on the first Monday in January, in each and every year; and the directors thus elected, after having taken an oath or affirmation diligently and impartially to discharge the duties required of them by this act, shall hold their offices for one year, and until their successors are elected and qualified, and shall, in like manner, proceed to choose a president from their own body, who shall serve until his successor be elected: *Provided*, That if the election for directors shall not be holden at the time prescribed in this section, the company shall not be dissolved, but it shall and may be lawful to hold an election at any time, notice thereof being given as prescribed by the fifth section of this act: *And provided also*, That the directors may appoint some place other than Rochester, on

said road, to hold any election for directors, but in such case they shall give notice thereof as required above.

SEC. 7. That the president and directors shall, in all cases, manage the concerns of the company, appoint such officers and agents as may be necessary, fill vacancies which may happen in their body until the next annual election, make by-laws for the regulation and government of said company: *Provided*, The same shall not be inconsistent with the constitution and laws of this State and of the United States. They may require such oaths or affirmations, bonds and securities of any of the agents or other officers of said company as they may deem necessary; may call special meetings of the stockholders, always giving at least ten days notice, as enacted in the fifth section of this act; may keep a record of all the transactions of said company, and do all other matters and things touching the concerns of said company contemplated in this act.

SEC. 8. That if any stockholder in said company shall neglect or refuse to pay any instalment after thirty days notice of the time and place of payment being [given] in the manner provided in this section, he or she, as the case may be, shall, for every month the same may remain unpaid, forfeit and pay to said compay, three per centum on the amount of such instalment, and should the same remain unpaid for the space of six months, after the time the same was required to be paid, it shall be at the option of the directors to declare the stock of such delinquent forfeited to the company, together with whatever may have been paid thereon, or to collect the same, together with the penalty which may have accrued thereon by such forfeiture: *Provided always*, That this act shall not be construed so as to effect the estate of any deceased stockholder until said estate can be legally settled; and such delinquent stockholder shall have a right to vote at any meeting of said company: *Provided*, That said company shall have power to call for such portion of the stock subscribed, not exceeding ten per centum of the whole amount, every six months as they may think proper, to be paid at such time and place as they may designate, by giving thirty days notice thereof in one or more of the public newspapers in the vicinity of said road.

SEC. 9. That the directors of said company may receive personal property and labor, and also, real estate in payment of stock to said company, which real estate shall be valued as provided in the tenth section of this act, whenever the directors and the persons offering such real estate are unable to agree as to the value thereof.

SEC. 10. That it shall be the duty of the Governor of the State of Indiana, upon application of the president of said company, to appoint three disinterested freeholders, residents in the counties where said road may be, as commissioners to appraise all real estate which may be offered in payment of stock to said company, whose duty it shall be, first being duly qualified to faithfully and impartially discharge the duties of their office, to appraise all such real estate as they may be required to appraise by the president of said company, at a fair cash value, for which service they shall receive one dollar

per day, to be paid by the said company; and in case of vacancy in said board, occasioned by death, resignation, or otherwise, the Governor shall fill the same by appointment whenever notified of the fact: *Provided however*, That such commissioner shall only be appointed in such cases when the owners of such real estate and the directors of the company are unable to agree as to the value of the land so offered as aforesaid.

Sec. 11. The president and directors of said company shall cause said road to be opened not exceeding one hundred feet wide, at least twenty feet of which shall be an artificial road composed of stone, gravel, timber, plank, or other suitable materials, well constructed in such a manner as to secure a firm and even road, rising in the middle with a gradual curve; and whenever any part of said road shall be constructed of timber and plank it shall not be less than sixteen feet wide—and the corporation shall maintain and keep the same in good repair, and in no case shall the ascent in said road, be greater than an elevation of five degrees. If said road, after the completion thereof, shall be suffered to go to decay or be impassable for one year, unless when the same is repairing, this charter shall be considered as forfeited.

Sec. 12. The board of county commissioners of the county of Cass may, at any session of said board, on petition of a majority of the resident freeholders of the age of twenty-one years and upwards, in the following tract of country, to-wit: on any eighty acres or smaller lot of land, the nearest part of which is within one mile of said Michigan road, in said county of Cass, levy a tax of not less than five nor more than twenty-five cents per acre on all lands within one mile of said road as aforesaid: *Provided however*, That whenever any lot is partly within and partly beyond said mile, then and in that case all of said lot shall be taxed.

Sec. 13. Said tax shall be collected as other taxes are collected, and paid over to the treasurer of said company, and the person paying said tax shall be entitled to a certificate of stock in said company for the amount of said tax, and said person holding said certificate shall be entitled to all the rights and immunities of any other stockholder of equal amount.

Sec. 14. Said board may, in like manner, levy an ad valorem tax, on like petition, on all property between the Wabash and Eel rivers, and west of range line dividing one and two east; said board may likewise, on like petition, levy a smaller tax on west Logan, and on the out-lots adjoining thereto.

Sec. 15. All the provisions of section twelve and thirteen of this act shall apply to the board of county commissioners of the county of Fulton, under like restrictions; and the provisions of section fourteen shall apply to the town of Rochester, under like restrictions.

Sec. 16. Said tax when once levied, shall be collected for three years in succession.

Sec. 17. The county board in either county may, in their discretion, after said tax as is provided for in sections twelve, thirteen, four-

teen and fifteen of this act, exempt any person from the payment thereof, whose land and property is not clearly benefitted thereby, and which is so situated that the owners of it will never or but seldom use said road.

Sec. 18. Before any letting of said road is made, the directors thereof shall agree upon a plan, and shall cause estimates to be made thereof in sections of one-eighth of one mile, and each stockholder and each tax payer, to the amount of his tax or stock, shall be entitled to take a contract to the amount of his stock or tax, at the estimate price, under such terms and restrictions as the directors may require, for the speedy and durable completion of said road.

Sec. 19. All the moneys raised in Cass county shall be expended in making the road from the north bank of Eel river, at Logansport, north. All the money raised in the county of Fulton shall be expended in making the road from the south bank of Mill creek, at Rochester, south.

Sec. 20. So soon as said company shall have completed said road, or five miles of said road at either end, shall be completed as aforesaid, and so from time to time as often as five miles in addition shall be completed, the board doing county business in either of the counties in which such finished road lies, shall, on the application of the president of said company, appoint an agent, who, after having taken an oath or affirmation, shall proceed to examine the same and report his opinion, in writing, to the board having appointed him; and if such report shall state said road or such part thereof to be completed agreeably to the provisions of this act, the said board shall authorize said company to erect toll gates at suitable places and distances, at the option of said company, and to demand and receive of persons travelling said road, the several tolls allowed by this act: *Provided*, That the agent so to be appointed shall be a freeholder in the county in which he is appointed, and not a stockholder in said company.

Sec. 21. That said company be and they are hereby authorized to demand and receive of persons travelling said road, the following rates of toll for each and every ten miles of said road, and in the same proportion for any less distance: for every four wheel carriage or wagon, drawn by two horses or oxen, twenty cents; for every horse or other animal in addition thereto, five cents; for every two wheel carriage, drawn by two horses or other animals, fifteen cents; for every horse or other animal in addition thereto, five cents; for every sleigh or sled, drawn by two horses or oxen, ten cents; for every horse or animal in addition thereto, three cents; for every horse and rider, five cents; for every horse, mule, or ass, six months old or upwards, led or driven, two and one half cents; for every head of neat cattle, six months old or upwards, two cents; for every head of sheep or hogs, one cent; for every four wheel pleasure carriage, drawn by two horses, twenty-five cents; for every horse in addition thereto, five cents; for every four wheel pleasure carriage, drawn by one horse, fifteen cents; for every chaise, riding chair, gig, sulkey, cart, or any other

vehicle of any kind, drawn by one horse, ten cents: *Provided*, That such persons shall be exempted from the payment of the tolls aforesaid as are specified in the twenty-fourth section of this act.

Sec. 22. If any toll gatherer on said road shall unreasonably detain any person or passenger after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed, he shall, for every such offence, forfeit and pay a sum not exceeding ten dollars, to be recovered, with costs of suit, before any justice of the peace having competent jurisdiction, within twenty days after the occurrence, by the party so aggrieved.

Sec. 23. That if any person or persons using said road shall, with intent to defraud said company, or to avoid the payment of tolls, pass any private gate or bars, every person concerned in such fraudulent practice shall, for every such offence, forfeit and pay the sum of five dollars, to be recovered with costs of suit, in an action of debt at the suit of said company, before any justice of the peace in any county, having jurisdiction of the same.

Sec. 24. That all persons going to or returning from mill on horseback, public worship on the sabbath, funerals, militia trainings, jurors going to or returning from court, all ministers of the gospel, and the troops and armies of the United States, may pass on said road free of toll.

Sec. 25. That said company shall put up a post or stone at the end of each mile, with the number of miles from Logansport fairly cut or painted thereon; and, also, in a conspicuous place, at or near each gate, they shall place a board with the rates of toll fairly painted thereon, and no tolls shall be demanded unless said rates are kept up as herein provided.

Sec. 26. That if any person shall wilfully deface or destroy any mile post or stone or painted list of rates of tolls, they shall, on conviction thereof, forfeit and pay to said company the sum of twenty dollars, to be recovered by said company with costs of suit in action of debt before any justice of the peace within this State having jurisdiction of the same.

Sec. 27. If said company shall not, within five years from the passage of this act, commence the construction of said road, according to the true intent and meaning of this act, then this charter shall be null and void.

Sec. 28. The said stockholders shall be individually liable for all debts of the company to the amount of their stock, which may be unpaid, if the company is unable to pay the same owing to its insolvency; and if any stockholder shall be compelled to pay any debt of said company as provided for in this section, the other stockholders thereof, where stock may remain unpaid in whole or in part, shall be liable to pay the said stockholders their proper share of said debt, which may be recovered by a bill in chancery or action of debt or assumpsit.

Sec. 29. The directors of said company shall be liable in their individual capacity for all debts contracted over and above good and solvent stock secured to said company.

CHAPTER II.

An Act to incorporate the Female Seminary of St. Mary's of the Woods, in Vigo county, Indiana.

[APPROVED JANUARY 14, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Anne Therese Guerin, (Sister St. Theodora,) Victoire Gage, (Sister St. Vincent,) Louise Ciercen, (Sister St. Liguori,) Irena Sefer de La Motte, (Sister St. F. Xavier,) Josephine Puriellan, (Sister Marie Joseph,) Eleanor Bailly, (Sister Mary Cecilia,) Mary Ann Graham, (Sister Augustine,) Sisters of Providence of Vigo county, and their associates and successors be, and they are hereby constituted and declared to be a body corporate and politic, by the name and style of "The Sisters of Providence of St. Mary's of the Woods," and by that name shall have perpetual succession, with full power to elect, from time to time, such officers, instructors, managers, and agents as they may think necessary for the management and benefit of said Seminary; to contract and be contracted with, to acquire, hold, enjoy, and transfer property, real and personal, and to receive and hold title to such real estate as they may have heretofore acquired by donation, purchase, or otherwise; to have and use a common seal, and the same to alter at pleasure; to sue and be sued; to plead and be impleaded in any court of law or equity; to receive and accept any grant, gift, donation, bequest, or conveyance by any person, company, or corporation, of any property, real or personal, and to hold, enjoy, or dispose of the same, as may by them be deemed best for the interest of said institution; to make, ordain, establish, and execute such by-laws, rules and ordinances, not inconsistent with the constitution and laws of the United States, and the constitution and laws of the State of Indiana, as they shall deem necessary for the welfare of said Seminary; and to do all other acts necessary for the promotion of the arts and sciences, and the prosperity of said Seminary: *Provided*, It shall not be lawful for said corporation to hold or to be the owners of real estate, exclusive of improvements, exceeding in value thirty thousand dollars; and if by donation, devise, or otherwise, it should become the legal or equitable owner of real estate of greater value, the same shall be sold by said corporation within two years after such title shall have accrued or become vested therein.

Sec. 2. The Legislature reserves to itself the right to revise, amend, or repeal the provisions of this act at any time after five years shall have elapsed: *Provided*, A repeal of said act shall not operate so as to divest the owners thereof of any property acquired under this act of incorporation.

Sec. 3. This act to be in force from and after its approval by the Governor.

CHAPTER III.

An Act for the benefit of the widow and heirs of John Sering, late of Jefferson county, deceased.

[APPROVED JANUARY 13, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the administrators of the estate of John Sering, late of Jefferson county, deceased, (if they deem it best for the interest for [of] the widow, heirs and creditors of said estate,) may apply to the probate court of said county, or of any other county of this State where there is real estate belonging to said estate, to authorize the sale of real estate for the payment of all or any part of the debts against said estate, instead of stock owned by said decedent in his life time in the Madison and Indianapolis railroad, and other personal property, and on such application such court is hereby authorized to order and decree a sufficiency of the real estate to be sold to pay all debts or any part thereof in the same manner it might be sold if there were no personal property belonging to said estate, except that said court may direct the sale to be made on such credits or time for payment as to the court may seem just, not interfering with the rights of creditors, the proceedings and sale to be regulated by the laws now in force in all other respects.

SEC. 2. In case lands are so sold, the widow may take railroad stock in the Madison and Indianapolis railroad in lieu of her dower in said lands.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER IV.

An Act providing for the election of an additional Justice of the Peace in Union township, Montgomery county.

[APPROVED JANUARY 13, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the legal voters of Union township, county of Montgomery, be and they are hereby authorized to elect one additional justice of the peace in and for Union township; the said justice to be a resident citizen, and hold his office north-west of Rock river; to be elected at the same time and in the same manner as other justices

are elected in the aforesaid township. The said justice, when elected, shall be entitled to the docket of William Gray, a former justice of the peace.

SEC. 2. This act to be in force from and after its passage.

CHAPTER V.

An Act for the relief of Nathaniel Coal of Warrick county.

[APPROVED JANUARY 14, 1846.]

WHEREAS, Nathaniel Coal, in the lifetime of Phillimon Woodruff, did purchase a certain ten acres of land of the north end of a certain eighty acres of land owned by said Woodruff deceased, and paid all he contracted to pay and did not obtain a deed for said lot: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Aulden Spencer, administrator of the estate of the said Phillimon Woodruff deceased, is hereby authorised and empowered, when satisfactory evidence shall be given to said Aulden Spencer, that the said Nathaniel Coal has paid for said above named tract of land all he contracted to pay to said Woodruff, to make him a deed which shall have full force in law as if said deed had been made by said Woodruff in his lifetime.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER VI.

An Act relative to Supervisors of Roads in the counties of Kosciusko and Whitley.

[APPROVED JANUARY 12, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That supervisors of roads in the counties of Kosciusko and Whitley, shall be liable to presentment or indictment in the proper circuit, or other court, for any and all neglect or omissions of duty; or for failing to qualify, as such supervisors, in the same manner, and liable to the same punishment as supervisors are in other counties in this State.

SEC. 2. This act is to be in force from and after its passage.

CHAPTER VII.

An Act declaring a certain Road in the county of Dearborn a State Road.

[APPROVED JANUARY 12, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the route formerly surveyed and marked by the Napoleon and Aurora Turnpike company, as lays in the county of Dearborn, be and the same is hereby declared to be a State road.

SEC. 2. It shall be the duty of Nathaniel Squibb, the surveyor for said company, on or before the first Monday of March next, to file in the auditor's office of Dearborn county, a plot of so much of said road as lays [lies] in the county of Dearborn.

SEC. 3. It shall be the duty of the county commissioners of Dearborn county to allow to the said Nathaniel Squibb a reasonable compensation for the services required of him by the 2d section of this act, to be paid out of the county treasury of Dearborn county, and to make and order for the opening of said road fifty-five feet wide: *Provided*, That nothing in this act shall be so construed as to interfere with any chartered privileges heretofore granted to the said company.

SEC. 4. This act to be in force from and after the filing of a certified copy thereof in the auditor's office of Dearborn county.

CHAPTER VIII.

An Act for the relief of William J. Chaplin.

[APPROVED JANUARY 12, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bond of matrimony heretofore existing between William J. Chaplin and Mary Ann Chaplin, all of the county of Kosciusko, be and the same is hereby dissolved.

SEC. 2. This act shall take effect, and be in force from and after its passage.

CHAPTER IX.

An Act for the relief of James Rutherford.

[APPROVED JANUARY 12, 1846.]

WHEREAS, James Rutherford, a native of Upper Canada, and now a resident of Hancock county, has filed a declaration of intention to become a citizen of the United States; AND WHEREAS it is certified of record that the said James Rutherford is a man of good moral character; and the said Rutherford being anxious to procure a license to practice as an attorney and counsellor at law in this State: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the circuit or supreme courts of this State to grant said James Rutherford a license to practice as an attorney and counsellor in this State, in the same manner as if said Rutherford was now a citizen of the United States.

SEC. 2. This act to be in force from and after its passage.

CHAPTER X.

An Act to authorise the Trustees of Congressional Township twenty-eight with range twelve east, in Wells county, to lay off a town.

[APPROVED JANUARY 6, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the congressional township trustees of township twenty-eight north, range twelve east, in Wells county, be and are hereby authorised to lay off a town on the sixteenth section in said township reserved for school purposes agreeably to the provisions of the law now in force for the laying off of towns in this State, and to sell and dispose of the lots in such town in such manner, and on such terms as said trustees may deem for the interest of said township.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XI.

An Act in relation to the fees of the Recorder and Auditor in the counties of Jackson, Adams and Jay.

[APPROVED JANUARY 6, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the recorder in the counties [of] Jackson, Adams and Jay, shall not be compelled to make record of any deeds, patents, mortgages or other instruments of writing required by law to be recorded in the books of said recorder's office until their fees are paid.

SEC. 2. That in no case shall the recorder in the counties of Jackson, Adams and Jay, be allowed more than seventy-five cents for recording any of the above named instruments of writing.

SEC. 3. That the fee now allowed by law to the auditor of the counties of Jackson, Adams and Jay, for the transfer made of the sale of real estate in the books of their offices, be and the same is hereby repealed.

SEC. 4. This act to take effect, and be in force from and after its passage.

CHAPTER XII.

An Act to authorize the Auditor of Gibson county to made a Deed in a certain case therein named.

[APPROVED JANUARY 6, 1846.]

WHEREAS, It is represented to this General Assembly, that the south half of the north east quarter of section number sixteen, in township number four, south of range number ten west, in Gibson county, was sold by James Smith, school commissioner of said county, on a credit of ten years; that the south half of said south half quarter section has been legally transferred on the back of said certificate to Robert Stockwell, and that he has made full payment therefor, and that the north half of said south half quarter section is worth more than the amount due thereon: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the school commissioner of said county of Gibson, on full payment being made for said south half of the south half of the north east quarter of section sixteen, in township four, south of range ten west, to certify that fact to the auditor of said county, whose duty it shall be to make to the said Robert Stockwell a deed in fee for said last described tract of land.

SEC. 2. This act to take effect, and be in force from and after its passage.

CHAPTER XIII.

An Act prescribing the mode of selecting Petit Jurors in Sullivan county.

[APPROVED JANUARY 6, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That twelve petit jurors shall be selected by the board doing county business for the county of Sullivan, to attend on the first day of each term of the circuit court thereof to serve one year succeeding their selection.

SEC. 2. That the county board aforesaid shall be governed in all respects in said selection, by the provisions of the Revised Statutes of 1843, in such cases made and provided.

SEC. 3. That all laws heretofore in force contravening the provisions of this act, so far as the county of Sullivan is concerned, be and the same is hereby repealed.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER XIV.

An Act to remunerate Justices of the Peace of the county of Warrick, for their services on the county board.

[APPROVED JANUARY 6, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter justices of the peace of the county of Warrick shall be allowed one dollar per day for their services on the county board: *Provided*, That but one from each township shall receive pay.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XV.

An Act to authorize the Treasurer of Pike county to perform the duties of School Commissioner.

[APPROVED DECEMBER 22, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the treasurer of Pike county be and he is hereby authorized and required to do and perform all the duties enjoined by law on the school commissioner of said county.

SEC. 2. Before entering upon the discharge of the duties of school commissioner, he shall take an oath of office, and give bond and security as is required by law of school commissioners, and shall receive the same compensation for his services as is allowed by law to school commissioners.

SEC. 3. That all acts and parts of acts coming within the purview of this act be and the same are hereby repealed.

SEC. 4. This act to take effect and be in force from and after its publication in the Indiana State Sentinel and Indiana State Journal.

CHAPTER XVI.

An Act for the relief of Causby M. Lewis.

[APPROVED JANUARY 6, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Causby M. Lewis, be and he is hereby authorized and permitted to vend foreign merchandize, foreign and domestic groceries, and wooden, brass, or composition clocks within this State; and it shall be lawful for him so to do without obtaining a license therefor from the board of county commissioners: *Provided*, That the privileges herein granted, shall not in any case extend through him to any other person or persons whatsoever, either directly or indirectly.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XVII.

An Act for the relief of Thomas Carrico of Knox county.

[APPROVED JANUARY 6, 1846.]

WHEREAS, Thomas Carrico of the county of Knox, is the owner of a certain piece of land in Greene county, and lying on both sides of Black creek, the same being a part of section twenty-five in township six north, of range seven west, on which there is a good mill seat: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That said Thomas Carrico be, and [he] is hereby authorized to erect and keep up a mill dam, not exceeding six feet in height, across Black creek, at his mill seat above described on said stream, any thing in any law to the contrary notwithstanding.

CHAPTER XVIII.

An Act to dissolve the matrimonial ties existing between Patsey Hubbard and Malachi Hubbard her husband, and to authorize the entering of a *nolle prosequi* on a certain indictment against the said Patsey.

[APPROVED DECEMBER 22, 1846.]

WHEREAS, Malachi Hubbard, some eleven years ago, without any cause or provocation, abandoned his wife, Patsey Hubbard, at Warrick county, in this State, and went to parts unknown, and did not return to said county of Warrick until some time in the fall of the present year; AND WHEREAS, the said Patsey, about five years after the time when she was so abandoned by her husband as aforesaid (under the belief that the said Malachi had again married, and under the belief that the marriage ties between her and her said husband were, by said abandonment and marriage dissolved,) intermarried with one John Harger of Warrick county, with whom she has ever since lived as his wife; AND WHEREAS, the said Malachi Hubbard has recently and unexpectedly returned to said county, and at the last term of the Warrick circuit court caused and procured the grand jury of said county to prefer a bill of indictment in said court against the said Patsey, charging her with living in open and notorious adultery with the said John Harger: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bonds of matrimony, heretofore existing between the said Patsey Hubbard and the said Malachi Hubbard be, and the same are hereby wholly dissolved; and the said intermarriage of the said Patsey, with the said John Harger, is hereby legalized and declared to be as valid to all intents and purposes as if the said Malachi had been dead at the time of said intermarriage.

SEC. 2. The prosecuting attorney of the fourth judicial circuit is hereby authorized and required to enter a *nolle prosequi* on said indictment now pending against the said Patsey in the Warrick circuit court as aforesaid.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER XIX.

An Act for the relief of Victor Belan and Lambert Holder.

[APPROVED DECEMBER 22, 1845.]

WHEREAS, Victor Belan and Lambert Holder are respectively owners of lands in Knox county, in this State: the former of one hundred acres in the lower prairie and at the hills adjoining Cathrinett's prairie, the tract on which his mill and dwelling are situate; the latter of fifty acres, in said Cathrinett's prairie, purchased from John Mary Gourd by deed dated January 25, 1844, and recorded in the recorder's book N., of said county, pp. 63 and 64; AND WHEREAS, said Victor and said Lambert are respectively desirous of selling their said lands, but owing to the various laws of the said State, now and formerly controlling the sales of land by aliens, they are unable to effect such sale: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That said Victor and Lambert be, and are hereby respectively authorized to hold and convey their said lands, free of all right of the State of Indiana, down to the present time, growing out of the laws of escheat.

CHAPTER XX.

An Act to authorize the trustees of congressional township number four south in range five east, in Harrison county, to subdivide and change the school districts in said township.

[APPROVED DECEMBER 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the trustees of congressional township number four south, in range number five east, in Harrison county, be and they are hereby authorized and empowered to subdivide and change the school districts in said township, as the convenience of the different neighborhoods therein may require, without a petition of a majority of the voters therein.

SEC. 2. Notices of any intended subdivision or change of districts in said township shall be given, as required by the thirty-ninth and fortieth sections of the fifteenth chapter of the Revised Code of 1843.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER XXI.

An Act to authorize the placing of swinging gates on highways in Dearborn county.

[APPROVED JANUARY 14, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the county commissioners of the county of Dearborn whenever, in their opinion, the public good or interest shall require it, to authorize the erection of swinging gates upon any county or township road in said county.

SEC. 2. Whenever any person shall be authorized, according to the provisions of the first section of this act, to erect swinging gates across any county or township road, he shall be governed by the provisions of the 29th section of chapter 16th, article 1st of the Revised Statutes, and shall be subject to all of the penalties prescribed in said section, for any violation of the provisions of the same.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER XXII.

An Act to vacate the town of New Charlestown in the county of Jay, Indiana.

[APPROVED DECEMBER 22, 1846.]

WHEREAS, Charles Hubbard did, in the year 1837, lay out the town of New Charlestown, in the county of Jay, Indiana, which town has never been improved, but yet remains in a state of nature, and none of the lots have ever been disposed of: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the town plat of the town of New Charlestown be, and the same is hereby vacated.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XXIII.

An Act to extend the time of payment of a certain Mortgage therein named.

[APPROVED JANUARY 13, 1846.]

WHEREAS, It has been represented to the General Assembly of the State of Indiana that Jesse Butler, Elisha Butler, Arthur Butler, and Lucinda Butler, children of the late Elisha Butler, deceased, late of the county of Hancock, are all minors under the age of twenty-one years, and that they are the owners, in fee simple, of the following described real estate, situated in the county of Hancock, in the State of Indiana, known as follows, to-wit: a part of the north-west quarter of section number eighteen, in township number fifteen, north of range eight east, containing forty acres: AND WHEREAS, The said real estate was by Roda Butler, the mother and guardian, purchased for said minors, and a deed taken in the name of said wards, being at the time of the purchase thereof, a mortgage on the same to secure the payment of seventy-five dollars to congressional township number fifteen north, of range eight east: AND WHEREAS, The said mortgage has become forfeited to the State: For remedy thereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the time of payment of the amount due on said forfeited mortgage may be extended for the benefit of said heirs to the term of five years, upon the payment of interest as provided by law: *And provided*, The security shall be deemed sufficient by the auditor of said county of Hancock.

SEC. 2. This act to take effect and be in force from and after its passage, and the Secretary of State shall immediately thereafter, transmit a copy of this act to the auditor of Hancock county, to be by him filed in his office.

CHAPTER XXIV.

An Act to dissolve the bonds of matrimony between Adam Shambaugh and Elizabeth Shambaugh.

[APPROVED JANUARY 14, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bonds of marriage heretofore existing between Adam Shambaugh and Elizabeth Shambaugh of Tippecanoe county, are hereby dissolved.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XXV.

An Act to authorize the sale of certain school lands in township thirty-six, range two west, in Laporte county.

[APPROVED JANUARY 14, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the auditor of Laporte county is hereby authorized to advertise and sell at public auction, to the highest bidder, the unsold or forfeited school lands in section sixteen, township thirty-six north, of range two west, in Laporte county, without first causing the same to be appraised: *Provided*, That in all other respects said auditor shall be governed by the law in force at the time of the sale.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER XXVI.

An Act dissolving the banns of matrimony between William Martin and Susan Martin of Warrick county.

[APPROVED JANUARY 14, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the banns of matrimony between William N. Martin and Susan Martin be, and the same are hereby dissolved.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XXVII.

An Act for the relief of Felix Ingoldsby.

[APPROVED JANUARY 14, 1846.]

WHEREAS, James Macadoo did, on the seventh day of September, A. D., 1843, convey by deed to Felix Ingoldsby of the city of New York, the following tracts of land in the county of Laporte, to-wit: the east half of the north-east quarter of section fourteen, in township thirty-four north, of range four west; also, the west half of the north-west quarter of section thirteen, in the same township and range; also, the east half of the south-east quarter of section seven, in township thirty-five north, of range two west: AND WHEREAS, Said deed of conveyance has no subscribing witness, and the said James Macadoo having deceased without acknowledging said deed, and the same cannot be legally recorded: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the recorder of the county of Laporte is hereby authorized and directed to record said deed in the record of deeds of said county, together with a copy of this act; and when so recorded, the said record and transcripts thereof shall have the same force and effect as if the same had been duly acknowledged.

SEC. 2. This act to be in force from and after its passage, and it is hereby made the duty of the Secretary of State to forward a certified [copy] thereof immediately to the recorder of said county.

CHAPTER XXVIII.

An Act for the relief of Barbara Ann May.

[APPROVED JANUARY 14, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the banns of matrimony heretofore existing between Barbara Ann May of Orange county, and Nathaniel May be, and the same [are] hereby dissolved and set aside.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XXIX.

An Act to vacate a certain Alley in the town of Greencastle.

[APPROVED JANUARY 14, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the alley between lots eight and nine, in that part of the town of Greencastle known as South Greencastle, as designated on the plat of said South Greencastle, be, and the same is hereby vacated.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XXX.

An Act to extend the terms of the board doing county business in the county of Tippecanoe.

[APPROVED JANUARY 14, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board doing county business in the county of Tippecanoe may, at each term, sit six days if their business require it, any law of this State now in force [to the contrary] notwithstanding.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XXXI.

An Act to dissolve the bonds of matrimony [existing] between Benjamin Rosecrantz and Sarah Ann Rosecrantz, citizens of Perry county.

[APPROVED JANUARY 14, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bonds of matrimony existing between Benjamin Rosecrantz and Sarah Ann Rosecrantz, citizens of Perry county, are forever hereby dissolved.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER XXXII.

An Act to survey and locate a State Road from Robinson's Ferry, on White River, in Daviess county, to Harrisonville, in Martin county.

[APPROVED JANUARY 14, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Frederick Myers and Andrew Farris, of the county of Daviess, and John Wood, of the county of Martin, be, and they are hereby appointed commissioners to survey, mark, and locate a State road from Robinson's ferry, in Daviess county, by Sapp's store, to Harrisonville, in Martin county.

SEC. 2. The said commissioners, or a majority of them, after being duly sworn to perform their duties faithfully, which oath they are hereby required to take, shall proceed on or by the 20th day of May, 1846, to perform the duties required of them by the first section of this act, and shall continue until the whole line is completed.

SEC. 3. The said commissioners, after having completed said survey and location, shall return to the auditor of their respective counties a proper profile, with the boundaries so designated that at all times hereafter said road may be correctly traced and known.

SEC. 4. The expenses of surveying and locating the aforesaid road shall be paid by the counties of Daviess and Martin, each in proportion to the length of said road in each county, and the county boards of each county respectfully shall order to be paid such amount as they may deem just and equitable.

SEC. 5. It is hereby made the duty of each of the auditors aforesaid, to have recorded immediately, on reception from the commissioners aforesaid, the profile and boundaries of said road; and it is also made the duty of the board doing county business, aforesaid, to lay off said road into convenient road districts, and for each district so laid off as above, if not attached to districts already formed, there shall be elected or appointed a supervisor according to the laws in force for electing or appointing supervisors.

SEC. 6. It shall be the duty of each supervisor in the said districts to open said road as soon as practicable, by the labor of his district according to the laws in force for working roads. This act to take effect and be in force from and after the filing of a certified manuscript copy in each clerk's office of the counties aforesaid.

CHAPTER XXXIII.

An Act to legalize the acts of James Batman, a Justice of the Peace for Bono Township, Lawrence county.

[APPROVED DECEMBER 22, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the acts and deeds performed and executed by James Batman, a justice of the peace for Bono township, Lawrence county, from the date of the 30th day of November, 1844, to the 1st day of May, 1845, is declared to be in full force and virtue in law; and that full faith and credit shall be given to his acts and deeds as if he had been duly elected and commissioned according to law.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XXXIV.

An Act to dissolve the banns of Matrimony existing between Leonard Crawford and Frances Crawford of Vigo county, Indiana.

[APPROVED DECEMBER 30, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the marriage contract heretofore existing between Leonard Crawford and Frances Crawford be, and the same is hereby dissolved.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XXXV.

An Act for the relief of John Johnson, of Laporte county.

[APPROVED JANUARY 14, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the county commissioners of Laporte county to make John Johnson, of said county, the same allowance for the arrest of a horse thief, calling himself John Johnson, as they might have made if said horse thief had been convicted of said crime.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XXXVI.

An Act to change the names of Edward C. Hawkins and Edward Musseth.

[APPROVED DECEMBER 30, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of Edward C. Hawkins, the adopted son of David F. Haight of the county of St. Joseph, be and the same is hereby changed to, and shall hereafter be, James Haight, and by said last mentioned name he shall hereafter be known, and be entitled to all the privileges he would be without the passage of this act.

SEC. 2. *And be it further enacted*, That the name of Edward Musseth be and the same is hereby changed to Edward Bates.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER XXXVII.

An Act to change the mode of electing county Surveyor in the county of Orange.

[APPROVED DECEMBER 19, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the qualified voters of Orange county shall, on the first Monday in August next, elect a county surveyor in and for said county, who shall hold his office for the term of two years, and until his successor is elected and qualified.

SEC. 2. *Provided*, That previous to such election, or such person entering upon the discharge of the duties of said office, such person shall produce to the clerk of the Orange circuit court, a certificate from some one of the president judges that he is qualified to discharge the duties of county surveyor.

SEC. 3. The said county surveyor, when so elected and qualified, shall be governed in all respects by the laws now in force governing county surveyors and defining the duties thereof.

SEC. 4. All laws and parts of laws coming within the purview of this act, so far as the county of Orange is concerned, be, and the same is [are] hereby repealed.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER XXXVIII.

An Act declaring a certain county road a State Road in Clay county.

[APPROVED DECEMBER 19, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county road running from Middleberry, in Clay county, to the feeder dam in said county, is hereby declared a State road.

SEC. 2. And it is hereby made the duty of the supervisors in the several districts on said road, to take charge of the same, and proceed to open said road the width as is provided for by the general law of this State, and work and keep the same in repair with the same means as other roads in this State.

SEC. 3. The act to take effect and be in force from and after its passage.

CHAPTER XXXIX.

An Act to incorporate the Wabash Navigation Company.

[APPROVED JANUARY 13, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the improvement of that part of the Wabash River which is subject to the concurrent jurisdiction of the States of Indiana and Illinois, and with the consent of the government of the State of Illinois as hereinafter mentioned, a corporation shall be established by the name and style of the Wabash Navigation Company.

SEC. 2. Said corporation shall have perpetual succession, may make and use a common seal, may make by-laws for the regulations of its officers and business, make contracts, sue and be sued, buy and sell, hold and convey real and personal estate necessary or proper to carry out the objects of this charter, or in securing or collecting of the debts of said corporation, and shall have all the other powers incident to corporations at common law.

SEC. 3. The stock of said corporation shall consist of two thousand shares of fifty dollars each. Though said company may organize, in case no greater amount than fourteen hundred shares shall be subscribed, said stock may be increased by the directors of the said company as hereafter mentioned, to an amount not exceeding, in the whole, the sum of five hundred thousand dollars, to be subscribed in the manner said directors may prescribe. But the subscription to the said two thousand shares shall be taken in manner following: that is to say, soon as the consent of the government of the State of Illinois shall have been granted to this incorporation by a law of said State, it shall be the duty of ——— ——— to be appointed by the General Assembly of the State of Illinois, of Shawneetown, in said State; and of ——— ——— of Mt. Carmel, in said State, to be appointed as above; and of ——— ——— of York, in said State, to be appointed as above; and of ——— ——— of Lawrenceville, in said State, to be appointed as above; and of ——— ——— of Palestine, in said State, to be appointed as above: and of James Sampson, Camil Agnul, and John Cooper of New Harmony, in the State of Indiana; and of John Lagow, John Arbuthnot and Jos. Devin of Princeton, in said State of Indiana; and of Jas. K. O'Haver, Jos. W. Briggs and Benjamin Wolf of Carlisle, in said State of Indiana; and of Jas. Farrington, Jacob D. Early and Joseph O. Jones of Terre Haute, in said State of Indiana; and of Thomas H. Rogers, Richard H. Eldridge and Elias L. Beard of Lafayette, in said State of Indiana; and of David S. Bonner, Wm. Burch, John Wise, John Ross and William R. McCord of Vincennes, in said State of Indiana, to act as commissioners, and to meet at the town Hall, in Vincennes aforesaid, upon three weeks notice, to be given

by said commissioners, or a majority of them, any thirteen constituting a quorum; and at said meeting to cause to be prepared, a book for each of said towns, to be transmitted to the commissioners thereof, to be opened at some convenient place in each of said towns, and in each of them enter as follows, to-wit: We whose names are subscribed hereto, do promise to pay to the Wabash Navigation Company, the sum of fifty dollars for every share of stock set opposite to our names respectively, in such manner, proportions and times as shall be determined by said company in pursuance of the charter thereof. Witness the ——— day of ——— 184—. It shall be determined also, at said meeting, at what time said books shall be opened for subscriptions at said places, of which time and place three weeks notice shall be given by publication in the newspapers published in such town, if any, if none, then by three written notices, for the same period, to be posted in three of the most public places in said town. Said books shall be open at the same time at each place, and shall be kept open for the space of ten days, by and under the direction of the commissioners there resident, or a majority of them who may receive the said subscriptions from all persons of lawful age; and, at the time of subscription, shall demand and receive from each subscriber, the sum of one dollar on each share subscribed, which shall be paid to the president of said corporation as soon as the same is organized, and officers are chosen as hereinafter directed.

SEC. 4. So soon as the subscription books are closed, it shall be the duty of said commissioners, at the several towns, to transmit the said books to the commissioners resident at Vincennes, together with the said cash payments received upon taking said subscriptions, whose duty it shall be to take charge of the same, and [to] hand the same over to the proper officers of said company when organized. Said commissioners resident at Vincennes, in case they shall find, upon examination, that more than two thousand shares are subscribed, to reduce the amount of shares by rateable deduction from the shares of the largest subscribers at each of said places; and in case the requisite number of shares have not been taken, to employ one or more persons to obtain subscriptions of stock in such other places [as] they may deem advisable to enable said company to go into operation. When the requisite number of shares have been subscribed, the said commissioners resident at Vincennes shall, as soon as practicable, give notice of the time and place where the subscribers shall meet for the [purpose of] electing directors. Such notice shall be given by at least three weeks publication in the newspapers in the places at which said books were opened, if any. At such meeting the subscriber in person, or by proxy, authorized in writing, shall, under the superintendence of said last mentioned commissioners, or a majority of them, by a majority of votes by ballot, elect six directors, who shall continue in office until the 1st Monday in January then next ensuing, and until their successors are elected.

SEC. 5. After the said first meeting, the stockholders of said com-

pany shall meet annually on the 1st Monday in January, at such place in Vincennes, or other town, as the by-laws may appoint, of which meeting notice shall be given by the secretary, for at least twenty days by newspaper publication; and then and there shall select directors for the ensuing year; may make by-laws, or alter, or repeal the by-laws of the directors, perform every act required of them by the by-laws, and any other corporate act. At such annual meeting, all questions shall be determined by the vote of the majority of shares represented by the owners in person, or by proxy. Each person holding any number of shares, not exceeding five shares, shall be entitled to one vote, and one vote shall be allowed for each additional five shares held: *Provided*, That no share holder shall be allowed more than fifty votes: *And Provided*, That the failure of the stockholders to meet as aforesaid shall not work any forfeiture, but they may be called together afterwards for the purposes of such meeting by any three or more of the acting directors.

Sec. 6. The directors, when elected, shall meet in some convenient place, and shall elect a president, secretary and treasurer. The president and three directors, or in his absence four directors, shall form a quorum, who, being met, shall have power to make all necessary by-laws, to take security from their officers and agents for their faithfulness, to fix their salaries and wages, to determine the times, manner and proportions in which the subscribers shall pay the money due on their stock, to draw orders on the treasurer, and otherwise direct the business of the company: *Provided*, That all orders on the treasurer shall be signed by the president, or, in his absence, by the majority of the quorum present.

Sec. 7. The directors shall procure certificates of stock, to be signed by the president and countersigned by the secretary, and shall deliver one to each stockholder. The stock may be transferred with the consent of the directors, entered on their minutes by assignment to be entered on the books of the company by the owner of the stock assigned, or his attorney duly appointed, and accompanied by a surrender of the certificate; on which other certificates shall be issued accordingly. At the time the corporation issues the certificates first above mentioned, the persons receiving the same shall pay to the treasurer the sum of four dollars on each share: *Provided nevertheless*, That it shall be competent for the directors to receive payment of the said sum of four dollars per share in a note negotiable and payable at some bank, secured by sufficient endorsers with interest, and payable at such time as the directors may order.

Sec. 8. In case of the assignment of any stock, before the same shall have been paid out according to the requisitions of the directors, the assignee shall become, and is liable for all sums of money due on the stock assigned, except such sum or sums as may be secured according to the order of the directors by note negotiable and secured as aforesaid in place of the original subscriber, and as such may be sued on the original subscription, as if he had originally subscribed for the said assigned stock.

Sec. 9. The remainder of the money due on the stock shall be paid to the treasurer at such times as the directors shall appoint in order to carry on the work, and meet the engagements of the company: *Provided*, Not more than four payments shall be required in any one year, and not more than ten per cent. on the original share shall be required at any one payment.

Sec. 10. After thirty days notice in the newspapers published at Vincennes and Mt. Carmel, of the time and place of the delivery of certificates of stock as aforesaid, and of the payment of said instalment of four dollars per share, or of any other instalment, if any stockholder shall neglect to pay the instalment required, said company shall forthwith sue said stockholder for said instalment in a court of competent jurisdiction, and in such suit shall recover the same with damages at the rate of twenty per cent. with interest until paid, and in all suits instituted by said company, the regular organization of said company shall be preserved, all laws respecting it shall be taken to be public laws as well as this act of incorporation, in all courts of justice, and its officers shall be competent witnesses, and any judgment rendered in its favor against its stockholders or its officers, or their securities, shall be rendered without any relief or benefit from the replevin, stay or appraisement laws of the State in which said judgment may be rendered; and for said instalments, as well as all other indebtedness from any stockholder to said company, a lien shall exist upon said stock owned by said stockholder, which may at all times be subject to sale on execution in like manner as goods and chattels are sold on execution to extinguish said indebtedness; and the certificate of the secretary shall be sufficient evidence in all cases, and in all courts, of the regular adoption and existence of the by-laws of the company.

Sec. 11. It shall and may be lawful for said company, by their agents and servants, to enter on the said river Wabash so far as the same is within the concurrent jurisdiction of the said States, and on the lands of either side, to hold and use the same so far as necessary for the object herein, and to use the timber, rocks, stones, gravel or earth which may be found thereon, in the construction of their works; and to form, erect, make or set up any dams, locks or other device whatever by the said company deemed most proper to improve the navigation of said river Wabash, most to subserve its commerce and especially the transportation of the agricultural products of the country to market, whether the same be by slack water or otherwise, from the Ohio river on said river Wabash, so far as the same is within said concurrent jurisdiction: *Provided always*, That the first improvement, to be commenced and prosecuted, shall be a dam and lock at the Grand Rapids, to be so constructed as to overcome all obstructions at that point of said river, as also at Ramsey's ripple and the little rock. The lock to be of dimension of not less than 210 feet in length, and 50 feet in width in the chamber: *Provided also*, That said company shall pay to the owners of lands occupied by them as aforesaid, or from which materials may be taken as aforesaid, the

value of the land so occupied or of the materials so taken or the damages done: *And Provided*, That the said value shall be ascertained, or said damages assessed and compensation made in manner following: Either party may file a petition setting forth the facts in the circuit court of the county having jurisdiction of the place or property, and praying the appointment of commissioners as hereinafter mentioned. A copy of this petition shall be served ten days at least previous to the term of the court at which application may be made on the opposite party, who may file a counter statement; and thereupon, the court shall appoint five disinterested freeholders, who shall be sworn as arbitrators are sworn, and whose duty it shall be to examine the premises, to hear testimony under oath, and to assess the value or damages; any three of said freeholders being competent to act in the premises. Reasonable notice of the time and place of meeting shall be given to all the freeholders so appointed and to the opposite party by the applicant. In assessing the value of any land taken or damaged, the freeholders shall estimate its full value for ordinary uses, and without any regard to its value as increased by the works of said company; and in all their appraisements, except for timber, said freeholders shall take into consideration all the advantages derived to the owner from the improvements of the said company. The said freeholders shall report their award in writing, under their hands, to the said circuit court, and the same shall then have the force of a verdict. On good cause shown, a new trial may be granted by the court, and if granted, such trial shall be had as appeals from justices of the peace are tried in said court, and on such award, or on such new trial, judgment shall be entered and execution shall be completed as in other cases.

Sec. 12. The said company shall have the privilege of, and be entitled to use the water power from the said river; and may sell in fee, lease or rent, for one or more years, the said water power on such terms as shall be most advantageous to the corporation: *Provided*, The use of the said water power shall not impede the navigation of the said river, and that the money arising from said water power shall be applied to the benefit of the company.

Sec. 13. If, at any lock dam or other point on the said river, there shall be surplus water applicable to hydraulic purposes, and where the interests of the company and public convenience shall require the application of such water to machinery, it shall be the duty of the company to propose to purchase from the owner or owners such parcels of the adjoining land as may be necessary for the use of such water power, and to submit the determination of the quantity of land necessary, and the price to be paid therefor, to arbitration according to the laws respecting arbitrations in force at the place in which said land is situate. In case the owner shall refuse to appoint arbitrators, the company may, by petition, apply to any court or justice of the peace of the proper county, who may appoint an arbitrator for such owner who shall act accordingly; and such arbitrators shall estimate the full value of the said land for ordinary

uses, independent of any additional value given to it by the works of the company, or by reason of its convenience to the use of such water power, and also without offsetting any benefits which the owner may have acquired to other property by reason of the said works. In case either party shall refuse compliance with the award of the arbitrators, rendered according to law, the same proceedings shall be had in the circuit court of the county in which such land is situate as in other cases of award, and on the rendition of the final judgment, or decree in such case, the said court shall enforce the payment of the price of the land, by the company, to the owner, and the conveyance of the land free from all incumbrance, by the owner, to the company, as on bill in chancery according to the practice of the said court.

Sec. 14. For the regulation and control of boats in passing the locks or other works of said company, sections 289, 290, 292, 293, 294, 296, 297 and 298, of article 17 and chapter 13 of the Revised Statutes of the State of Indiana, of the year 1843, shall be deemed and taken to be in force in relation to the locks and other works of said company, and may be enforced accordingly, except that the action for the penalty in the said 295th, 297th and 298th sections named, shall be in the name of the said company, and not in the name of the State of Indiana.

Sec. 15. If any vessel shall be subjected to an unnecessary delay in passing the locks of said company, by the reason of the lock not being raised or opened for the space of thirty minutes, the company shall pay to the party hindered, five dollars for each thirty minutes of detention, to be recovered by action of debt in the name of the master or owner of the boat detained. And if the said company shall neglect or refuse to keep in good repair, or order, any dam or lock of their own construction, or shall neglect to remove any obstacle which may occur therein, so that boats cannot safely navigate said river, when not obstructed by ice or other unavoidable cause, said company, for any such offence, shall pay the sum of fifty dollars to any person prosecuting therefor.

Sec. 16. The directors of said company shall cause full and fair accounts to be kept of all their receipts and expenditures, and shall annually submit the same to the stockholders at the annual meetings; and any three stockholders, who shall have been such for one whole year previous, may, at any time, demand an inspection of the books of the company, and shall thereupon be allowed to inspect the same in the office of the company, which privilege of inspection shall be extended to the said States of Indiana and Illinois.

Sec. 17. The directors at the annual meeting of the stockholders shall exhibit a balance sheet of all the affairs of the company to be verified by the oath of the secretary, and exhibiting a statement of all the receipts and expenditures, profits and losses for the year preceding the 30th day of November inclusive, prior to such meeting, and at such meeting the said directors shall strike and publish a fair dividend of the actual profits, if any, for the said previous year,

which shall be paid on or before the 1st day of February then next ensuing.

SEC. 18. If said company shall not proceed to carry on said improvements within two years from this date, and shall not complete, at least the said improvement at the Grand Rapids within five years thereafter, then the franchises hereby granted shall become and be forfeited.

SEC. 19. The said company may at all times reserve a reasonable surplus fund to meet all contingent expenses, accidents and repairs, and may invest the same as to the directors shall seem expedient. The said company may, by loan at such rates of interest, on such securities and on such terms as may be convenient, borrow any sum or sums of money as may be necessary to the completion, or repair of its works, and the obligations of the company issued for such purposes shall be a valid lien in the order of their issue on all the stock and effects of said company; which may be enforced accordingly by any court of competent jurisdiction. But nothing in this section, nor in this act contained shall be deemed or taken to authorize the said company to exercise any banking powers whatever.

SEC. 20. If, at any time hereafter, the Legislatures of the States of Indiana and Illinois shall determine to make free the navigation of said river from tolls, it shall be competent for the States aforesaid jointly to require from the said company a transfer of all their works and property connected with the said navigation, and the same shall be surrendered accordingly: *Provided nevertheless*, That before such surrender shall be made, the said States shall confirm all contracts made by the said company concerning their said works and improvements and the disposition of the water power created thereby; and also before such surrender shall be made, shall pay to the said company the total amount of the expenditures of the company in the improvements aforesaid and in the management of their business, with six per cent. interest thereon.

SEC. 21. The directors of said company shall have full power to fix the amount of tolls and water rents: *Provided however*, That the States of Indiana and Illinois may at any time provide for the appointment of a board of joint commissioners to regulate said tolls on the works of the company: *Provided also*, That no regulation shall be made whereby the tolls fixed by the directors of the company shall be reduced below the customary rates of tolls on similar works in other States.

SEC. 22. The said company may, from time to time, increase its capital stock to an amount not exceeding in the whole $500,000, as the same may become necessary for the more complete and extensive navigation of the Wabash river.

SEC. 23. The said company may improve the navigation of the Wabash river above that part in which the said States have concurrent jurisdiction, and in relation thereto, and for that purpose, may exercise all the powers, and shall enjoy all the privileges herein before granted in relation to the lower part of said river; and in case

a surrender of the said works, as next above mentioned, shall be required of them, said surrender shall not be made until, in addition to the condition above mentioned, the State of Indiana shall pay to said company the total amount of all expenditures, regular and contingent, with interest thereon as aforesaid, made in the improvement of the said navigation above said concurrent jurisdiction.

SEC. 24. The grant of land by the United States to the said States, or either of them, for the improvement of the navigation of the Wabash, shall not be construed in any way to interfere with this act. But in such case said company may proceed with their business, works or improvements until such time that the said States may realize from the lands so granted the funds wherewith to repay the said company its expenditures as aforesaid, and to require a surrender as aforesaid.

SEC. 25. This act of incorporation may be repealed by the Legislatures of the States of Indiana and Illinois; but no such repeal shall take effect until the said States shall repay to the said company the full amount of all their expenditures as aforesaid with interest as aforesaid, and shall confirm all the contracts of said company as aforesaid; and also, until the said State of Indiana shall repay to said company all other expenditures on said river above the place of the said concurrent jurisdiction as aforesaid with interest as aforesaid, and confirm all their contracts as aforesaid.

SEC. 26. This act shall be in force from and after its passage.

CHAPTER XL.

An Act to lease the Indiana State Prison, and for other purposes.

[APPROVED JANUARY 16, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the lot of ground with the buildings and improvements thereon, and the appurtenances thereunto belonging, situate in the town of Jeffersonville in Clark county, established and used, or intended to be used, as a State Prison, together with the labor of the convicts in said State Prison, and the labor of the convicts hereafter to be placed therein, during their term of service and until the expiration of this act, be and the same are leased to such person as may be elected by joint ballot of the General Assembly, his executors and administrators, for and during and until the full end and term of ten years from and after the 15th day of June, 1846; he, said lessee, in consideration of said use and hire of said premises and said convict labor, yielding and paying into the treasury of the said State of Indiana, on the 15th day of June of each and every of said year dur-

ing said term of ten years, the annual rent or sum of eight thousand dollars, the first rent being payable on the 15th day of June, 1847.

SEC. 2. That if default shall be made by said lessee, his executors or administrators, for the space of thirty days after the same shall become due, in the payment of the rent or hire of any said years, it shall be optional with the Legislature at the next succeeding session, to declare the letting and hiring aforesaid, for such default, to be at an end; and it shall further be the duty of said lessee, within thirty days from the passage of this act, to give bond payable to the State of Indiana, in the penalty of fifty thousand dollars, with one or more securities to be approved of by the Governor, conditioned for the payment of the said sum of eight thousand dollars, yearly, as the same may fall due.

SEC. 3. It shall be lawful for said lessee, so soon as he shall have given bond and security as provided in the last section, to proceed to the erection of machinery in said building, not interfering however with the present contract respecting the same; and all machinery which may be erected or placed upon said premises, by said lessee, for manufacturing purposes, during the continuance of this lease, shall be subject to be removed by him at any time within said ten years, and for thirty days thereafter.

SEC. 4. The convicts of said Prison shall not be employed without the walls thereof, except in immediate connection with the business prosecuted within said walls; nor shall the labor of said convicts be devoted to any pursuits that shall interfere with the mechanical business of the immediate neighborhood, but shall be devoted to the rolling of iron and other manufactures.

SEC. 5. Said lessee, his executors and administrators, shall con form to such rules and regulations respecting the police of said Prison and the general treatment of the convicts, as the Legislature or the Governor and warden shall from time to time ordain and establish.

SEC. 6. There shall be elected by joint ballot of the Legislature, a warden of said Prison, who shall have the absolute control and supervision of the internal police of the same, who shall make out and establish from time to time, under the direction and approval of the Governor, such by-laws, rules and regulations as may be necessary and proper for the government and direction of the same. *Provided*, it shall not be in the power of said warden to reduce the period of labor of said convicts below ten hours per day.

SEC. 7. It shall not be lawful for said lessee, his executors, administrators or associates, in any case whatever, to inflict corporal or other punishment on any of said convicts; but in all cases of disobedience or wrong committed by said convicts, it shall be referred to the warden aforesaid, with whom the power of punishment alone shall be vested.

SEC. 8. There shall be appointed by the Governor, annually, a chaplain for said Prison, whose duty it shall be to give religious instruction to said convicts within the walls of said Prison, at least once every week, and whose salary shall be not less than one hundred and fifty dollars per annum, to be paid by said lessee; and the said lessee shall,

at his own expense and under the direction of the chaplain, procure a Sunday School Library for the use of said convicts; and shall pay all expenses incident to the management, feeding and clothing of said convicts; and shall pay all expenses in case of sickness, including physicians' bills.

SEC. 9. Should the said lessee fail or refuse to file bond, as provided by the second section of this act, it shall be the duty of the Governor to contract with some suitable person to supply such vacancy, as is provided for in the first section of this act, subject to the confirmation or rejection of the Legislature, at the next succeeding session thereafter.

SEC. 10. The warden shall reside in Jeffersonville and shall hold his office for the term of three years, and may be removed at any time by the Governor for any violation of his duties, or for any cruel or ill treatment of the convicts in said Prison; and in case of removal by the Governor as contemplated by this section, he shall appoint a warden, who shall hold his office until the next meeting of the Legislatnre, which shall then fill such vacancy.

SEC. 11. If at any time it shall appear that the warden of said Prison is in any manner whatever interested in the profits of the convict labor in said Prison, by partnership or otherwise, the same shall be sufficient cause for removal.

SEC. 12. Said warden shall annually receive, as a compensation for his services, the sum of six hundred dollars, to be audited by the auditor of public accounts and paid out of any moneys in the treasury not otherwise appropriated.

SEC. 13. It shall be the duty of the Governor, from time to time, to report to the Legislature the by-laws, rules and regulations established under the provisions of the sixth section of this act; and it shall be the duty of said warden, annually, at the commencement of the meeting of the General Assembly, to report to each branch of the same, a full statement of the condition of said Prison and the convicts, as also the transactions of the year next preceding, so far as the same may be deemed important as affecting the interests of the State, or the sanitary or moral condition of the convicts, with such recommendations or suggestions as said warden may think appropriate.

SEC. 14. All laws now in force in this State contravening the provisions of this act are hereby repealed.

SEC. 15. This act to be in force from and after its passage.

CHAPTER XLI.

An act to locate a State road in Dearborn and Ripley counties.

[APPROVED DECEMBER 31, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That D. A. Brooks of the county of Dearborn and John M. Stockwell and James Earley of the county of Ripley, be and they are hereby appointed commissioners to view, mark and locate a State road, commencing at the town of Moore's Hill in Dearborn county, and running thence on the nearest and best ground until it intersects the State Road leading from Milan to Napoleon in Ripley county, at or near where said road passes the Redlin school house in said Ripley county.

SEC. 2. The said commissioners shall meet at the house of D. A. Brooks in Moore's Hill in Dearborn county, on or before the first Monday in next July, and after having taken an oath faithfully and impartially to discharge the duties assigned them, shall proceed to view and locate said road, agreeably to the points and courses designated in the first section of this act.

SEC. 3. The said commissioners shall within thirty days after they shall have located said road, as aforesaid, report to the county auditors of the said counties of Dearborn and Ripley, so much of said road as may be located in the respective counties of said auditors, which report the said auditors shall lay before their respective county boards at their next session thereafter, and said county boards shall severally cause the said report when so made, to be recorded, and order said road to be opened; and said boards of county commissioners in the counties of Dearborn and Ripley, shall make said commissioners such compensation as shall be reasonable, each county paying their [its] proportion according to distance.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER XLII.

An Act for the improvement of the roads in certain counties.

[APPROVED DECEMBER 17, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county commissioners in the counties hereinafter mentioned, shall have power to levy such additional road tax in such townships as they may think the state of the roads require. Said tax

shall be assessed, collected and expended as is now provided by law; and the supervisor shall have power, in all cases, to call out the work or labor at such time and places as he may think proper.

SEC. 2. *And be it further enacted*, That in all cases where a state, county or township road shall be changed, the signers for such change shall make the new road as good as the old one, at their own expense, before the old one shall be vacated.

SEC. 3. This act will take effect in the counties of Noble, Lagrange, Steuben and De Kalb, and be in force from and after its passage and publication in the Lagrange County Democrat, and Lagrange Advocate; and said publication shall be at the expense of the counties interested.

CHAPTER XLIII.

An Act to authorize the sale of school land in township two, south of range one west, in the county of Crawford.

[APPROVED DECEMBER 31, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the legal voters of congressional township number two, south of range number one, west, in the county of Crawford, be and they are hereby authorized to sell the sixteenth section, and for that purpose may meet and vote, under the laws now in force in such cases, and if a majority of all the voters present shall direct the same to be sold, such sale shall be made according to law.

SEC. 2. This act shall be in force from and after its passage and publication.

CHAPTER XLIV.

An Act to correct a mistake in a certain act therein named.

[APPROVED DECEMBER 31, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of Millens Loomer, wherever it occurs in an act, entitled "An Act for the relief of Millens Loomer," approved January 10, 1845, is hereby declared to be a mistake, and all the provisions of said act are hereby extended to Almyra Loomer, to the

same extent and for the same purposes as if the name of the said Almyra Loomer had been contained in said act, instead of the said name of Millens Loomer.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER XLV.

An Act dissolving the bonds of matrimony between Ann B. Evans and Joseph Evans.

[APPROVED DECEMBER 16, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bonds of wedlock heretofore entered into, and existing between Ann B. Evans and Joseph Evans be, and the same are hereby dissolved and set aside and made void.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XLVI.

An Act to compensate Supervisors in the county of Morgan.

[APPROVED DECEMBER 31, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the supervisors in and for the county of Morgan shall be exempt from working on roads and highways for the term of two years, and may be exempt from serving on juries, which shall be a full compensation for their services as such supervisors for the term of one year: *Provided, however*, That nothing in this act shall be so construed as to exempt any supervisor from paying his road tax.

SEC. 2. All laws or parts of laws coming within the purview of this act is [are] hereby repealed.

SEC. 3. This act to take effect, and be in force from and after its passage; and it is hereby made the duty of the secretary of State to forward a certified copy of this act to the auditor of said county.

CHAPTER XLVII.

An Act for the relief of Francis Lafontain.

[APPROVED DECEMBER 31, 1845.]

WHEREAS, It has been represented to this General Assembly, that Francis Lafontain, principal chief of the Miami nation of Indians, is at present engaged in the mercantile business, and is fully competent to manage his affairs: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said Francis Lafontain be and he is hereby entirely released and exempted from any and all provisions and conditions of an act entitled "An Act for the relief of the Miami and other Indians," approved February 3d, 1841. That neither the protection therein afforded to the members of the Miami nation of Indians, or the restrictions imposed upon them shall be applicable to any transaction of the said Francis Lafontain, and all the privileges and provisions of this act is [are] hereby extended to the widow and children of Francis Godfroy, late of Miami county deceased.

SEC. 3. This act to be in force from and after its passage; and it shall be the duty of the secretary of State to make out a certified copy of the same and cause it to be filed in the clerk's office of Huntington county.

CHAPTER XLVIII.

An Act to incorporate the Grand Lodge of the Independent Order of Odd Fellows of the State of Indiana.

[APPROVED JANUARY 6, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That J. H. Taylor, William Morrison, William Sullivan, J. M. Hiatt, S. M. Cayce, John Green, W. H. Davis, J. Tate, Jr., O. Dufour, and their associates, members of the Grand Lodge of the Independent Order of Odd Fellows of the State of Indiana, and their regular successors be, and they are hereby created a body corporate and politic, for the term of fifty years in succession, by the name and style of the "Grand Lodge of the Independent Order of Odd Fellows of the State of Indiana," for the purpose of more effectually aiding and assisting the members and their families afflicted with

sickness and disease, and who may be in distressed circumstances; and by that name shall be competent to contract and be contracted with, to sue and be sued, to plead and be impleaded, defend and be defended, in all courts and places, and in all matters whatever, with full power and lawful authority to acquire, hold, use, occupy and enjoy by purchase, gift, grant, or devise, and the same to sell, convey or improve, rent or lease, all the real estate that said Grand Lodge may become in possession of as above provided, in the State of Indiana, in value not exceeding fifty thousand dollars; and to make and have to use a common seal, and the same to alter, break and renew at pleasure; and to appoint such officers as they may deem necessary, to prescribe their general duties, and to require such security of them as they may deem proper to secure the faithful performance of their duties, and may remove them at pleasure; to make, ordain, and put in execution such by-laws, rules and regulations as shall be necessary for the good government of said society, and the prudent and efficient management of its concerns, not repugnant to the constitution and laws of the State: *Provided*, That in no case shall one member be allowed more than one vote on any question which may arise: *Provided also*, That said society shall not in any wise engage in banking, insuring of property, or do any other thing not expressly granted by the provisions of this charter: *Provided*, That upon a repeal of the charter or the dissolution of the corporation, the property held by said corporation at the time of such repeal, may be disposed of, sold and conveyed in such manner as a majority of the corporators shall direct.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER XLIX.

An Act legalizing the acts of the Auditor and School Commissioner of Lagrange county.

[APPROVED JANUARY 6, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the proceedings of the auditor and school commissioner, in loaning the school fund in Lagrange county, be, and the same is [are] hereby legalized.

Sec. 2. This act shall be in force from and after its passage.

CHAPTER L.

An Act to amend an act entitled "An Act to provide for erecting a bridge across Laughery Creek in Ripley county," approved January 8th, 1845.

[APPROVED JANUARY 1, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county treasurer of Ripley county shall continue to pay over to the commissioners named in the first section of the act to which this is an amendment, all the road tax collected by him in the townships of Johnson, Washington, Franklin and Adams, until sufficient funds shall be raised for the completion of said bridge.

Sec. 2. This act to be in force from and after its passage.

CHAPTER LI.

An Act establishing a State Road in the counties of Putnam and Clay.

[APPROVED DECEMBER 31, 1845.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Loyd B. Harris of the county of Putnam, and John Lewis of the county of Clay be and they are hereby appointed commissioners to view, mark, and locate a State road as follows: Commencing at David Barnett's mill, in Putnam county, thence the nearest and best route to Lenox M. Knight's mill on Croy's creek, thence to intersect the county road leading from Pleasant Garden to Bowlinggreen, in the county of Clay, thence along said road to James Thomas's ferry on Eel river to intersect the State road from Rockville to Bowlinggreen.

Sec. 2. The commissioners shall meet at David Barnett's mill, in Putnam county, on or before the first day of May next, and proceed to locate said road, as is provided in the first section of this act.

Sec. 3. The board doing county business in the counties aforesaid, shall make such allowance to said commissioners for their services aforesaid, as may seem just and reasonable.

Sec. 4. It shall be the duty of the secretary of State to make out a certified copy of this act and send the same to the auditors of the aforesaid counties without delay, whose duty it shall be to give immediate notice to said commissioners of the passage of the aforesaid act.

Sec. 5. This act to be in force from and after its passage.

CHAPTER LII.

An Act to vacate certain Streets in Cambridge City.

[APPROVED DECEMBER 31, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That a certain street in Cambridge city, in Wayne county, located on the west bank of the canal, and extending from the National road to what is commonly called Hawkins's basin be, and the same is hereby vacated.

SEC. 2. That West street, commencing at the west line of the plat of said Cambridge city, running east to an alley near Hawkins's basin, be, and the same is hereby vacated: *And be it further enacted*, That an alley fifteen feet wide shall be located on the site of said West street.

SEC. 3. This act to be in force from and after its passage.

CHAPTER LIII.

An Act to repeal an act relative to a certain State Road in Wayne county.

[APPROVED DECEMBER 30, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled "An Act to vacate a part of a certain State road in the county of Wayne," approved January 13th, 1845, be, and the same is hereby repealed.

SEC. 2. This act to be in full force and effect from and after its passage.

CHAPTER LIV.

An Act authorizing the County Commissioners of Fountain and Jefferson counties to employ a physician for the benefit of the paupers at the Asylums in said counties.

[APPROVED DECEMBER 31, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county commissioners, in the counties of Fountain and Jefferson, be, and they are hereby authorized to procure the attendance of a good reputable physician to the county asylums, erected for the benefit of the poor of said counties, and pay said physician out of the county treasury.

SEC. 2. *Be it further enacted*, That all laws and parts of laws, conflicting with the provisions of the foregoing section, be, and they are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER LV.

An Act to vacate a part of the Town of Waterloo in Fayette county.

[APPROVED JANUARY 6, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all that part of the town of Waterloo, in the county of Fayette, included in the lots, streets, and alleys described as follows, to-wit: Lots numbered 75, 76, 77, 78, 79, 80, 81, 24, 34, 35, 42, 49, 50, 57, 58, 65 and 66, together with so much of the streets and alleys of said town as runs through and around said lots be and the same is hereby vacated

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER LVI.

An Act providing for the improvement of Roads in the several counties therein named.

[APPROVED DECMMBER 31, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county commissioners of the counties of Whitley and Kosciusko, shall have power to levy such additional road tax upon the lands in said counties, or any township therein, as they may deem the state of the roads require: *Provided*, That such additional assessment, authorized by this act, shall not exceed the amount now levied and collected by law, for road purposes, in said counties, which tax so levied shall be collected and expended in the manner as pro-

vided by the law now in force in said counties for collecting and expending the road tax therein.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER LVII.

An Act for the relief of the heirs of James McCleary, of the county of Franklin.

[APPROVED JANUARY 6, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the estate, right, title and interest of the State of Indiana, in any lands situate in this State, of which James McCleary, an alien, late of the county of Franklin in said State, deceased, died seized, which said State has acquired by escheat of the same, is hereby released to and vested in such persons and their heirs, being residents of the United States, as would have taken the same by descent, or in right of dower, if the said James McCleary had been a native citizen of the United States.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LVIII.

An Act authorizing and empowering the administratrix of Lyman G. Bellamy, late of Allen county, deceased, to dispose of the personal property of said decedent.

[APPROVED DECEMBER 16, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the administratrix of the estate of Lyman G. Bellamy, late of Allen county, deceased, shall be, and she is hereby authorized and empowered to sell and dispose of the personal property of said decedent, at private sale, in the same manner that personal property of deceased persons is sold at private sale, under decrees of the probate courts of this State, made in accordance with the provisions of the Revised Statutes of 1843, in such cases made and provided.

SEC. 2. *And be it further enacted*, That all sales of the personal property of the said decedent, which the said administratrix may have made, and which are in pursuance with the first section of this act, shall be, and the same are hereby legalized.

SEC. 3. *And be it further enacted*, That the probate court of Allen county shall be, and the same is hereby authorized and empowered to approve all sales of the personal property of said decedent, made by said administratrix, in pursuance of the two first sections of this act.

SEC. 4. *And be it further enacted*, That nothing in this act contained, shall preclude the said administratrix from selling the whole, or any part of the personal property of said decedent, at public sale, should she think it would advance the interest of the estate of said decedent so to do.

SEC. 5. *And be it further enacted*, That this act shall be in force from and after its passage. And it is hereby made the duty of the secretary of State forthwith to forward a copy hereof, duly certified, to the clerk of the probate court of the said county of Allen.

CHAPTER LIX.

An Act for the relief of Joseph and Maria Rudman, of Franklin county.

[APPROVED JANUARY 6, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bonds of matrimony, heretofore existing between Joseph and Maria Rudman, of the county of Franklin, be, and the same are hereby dissolved.

SEC. 2. This act to take effect from and after its passage.

CHAPTER LX.

An Act to amend an act, entitled "An Act to incorporate the Young Men's Literary Association of Richmond, Wayne county, Indiana," approved February 15th, 1839.

[APPROVED DECEMBER 31, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act, entitled "An Act to incorporate the Young Men's Literary Association of Richmond, Wayne county, Indiana," approved February 15, 1839, be, and the same is hereby so amended, that

the trustees of said Association may appoint such officers as may be necessary for the management of the affairs and departments of the corporation, and may, from time to time, make such additions to the library and improvements in the place for holding meetings as they may deem expedient; and they shall have a general charge and superintendence of the interests of the corporation, and may make such regulations for the promotion and advancement thereof as to them appear needful and proper.

SEC. 2. If any stockholder shall be or is in arrears to the corporation for fines, dues, taxes or assessments, and shall refuse or neglect to pay the same for twenty days after notice shall have been served upon him by order of the trustees, if a resident of the county, and after advertisement, (or letter sent to and received by him,) if a non-resident, it shall be lawful for the said trustees to declare said stock forfeited to the corporation, and enter the same upon their journals, which shall invest the same, with all payments thereon, and rights, title and claim of said stockholder in the corporation.

SEC. 3. From all acts of the trustees, hereafter had or done, relative to changing, removing, disposing of or dividing the library, or stock, or property of the corporation, an appeal shall lie to the stockholders, a majority of whom shall be a quorum, within twenty days after such act, by any three stockholders filing with the clerk their dissent from such act, after which said clerk shall notify the stockholders to meet at the expiration of ten days from the date of such dissent, filed; and in the mean time all further action shall be suspended by the trustees, in the premises, until the meeting of the stockholders, whose decision shall be final. And, if any person shall proceed contrary to the decision of the stockholders, such person or persons, may each be fined by the stockholders, in any sum not exceeding fifty dollars, to be recovered by an action of debt.

SEC. 4. This act to be in force from and after its passage, and all laws and parts of laws contravening the provisions of this act, to be, and they are hereby repealed.

CHAPTER LXI.

An Act to incorporate a Lutheran church in Franklin county.

[APPROVED DECEMBER 31, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That C. Huber, John Hoffman, Christian Bohrer, and their successors in office, are hereby constituted a body politic and corporate, and shall be known by the name and style of "the trustees of Zion's church," (of Highland township,) and by said corporate name

may sue and be sued, plead and be impleaded, in any court in this State, and by that name be capable of purchasing, holding, bargaining and selling any property, either real or personal, for the use of said church, both by legal and equitable title, not to exceed in value the sum of twelve thousand dollars, and to have perpetual succession, according to the usages and government of the Evangelical Lutheran denomination of Christians.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER LXII.

An Act for the relief of William Starks.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That William Starks, of the county of Spencer, in Indiana, shall be exempted from the payment of State and county tax, in said county of Spencer, on eighty acres of land and three hundred dollars worth of personal property.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LXIII.

An Act to authorize the church of God meeting in Walnut street, in the town of Jeffersonville, to elect trustees and sell their property for the payment of their debts.

[APPROVED DECEMBER 31, 1845.]

WHEREAS, The church aforesaid is indebted for the house in which they worship, for which only five of its members are legally bound; AND WHEREAS, it is the wish of the church to release or indemnify those members who are bound for the debts of the congregation: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said church of God at Jeffersonville, be and they are hereby authorized to elect three trustees, in accordance with the law of this State, in such cases made and provided, who shall, when

so elected, have full power to mortgage, sell or convey any property belonging to said church, either personal or real, for the purpose of liquidating its debts.

SEC. 2. It shall be the duty of said trustees, before selling any property owned by said church, to give at least ten days' notice by written advertisements or otherwise, of such intention.

SEC. 3. The overplus, if any, after paying all demands against the said church, may be disposed of in such manner as a majority of said church shall determine.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER LXIV.

An Act to divorce Cyntha Davault from William W. Davault, her husband, and also Blista Ann Huffman from her husband, Jacob Huffman.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bonds of matrimony heretofore existing between William W. Davault and Cyntha Davault, his wife, be, and the same are hereby dissolved.

SEC. 2. That the bonds of matrimony heretofore existing between Blista Ann Huffman and Jacob Huffman, her husband, be, and the same are hereby dissolved.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER LXV.

An Act to legalize an election therein named in the county of Crawford.

[APPROVED DECEMBER 30, 1845.]

WHEREAS, At a certain election held in the county of Crawford, on the first Monday in August, 1844, Reuben Whitten was elected treasurer and collector of said county to serve for the term of three years thereafter; AND WHEREAS, it is provided, in the law regulating said office, that any person elected thereto shall, within the period of twelve days after said election, give bond and qualify,

to the acceptance of the board of county commissioners, and upon failure so to do, the said office shall, for that cause, become vacant; AND WHEREAS ALSO, the board of commissioners of said county of Crawford, did not, for more than twelve days next after the election of said Whitten, convene or hold a session for the transaction of business, whereby the said Whitten was unable to give bond and qualify as required by law; AND WHEREAS ALSO, afterwards, at the first session of said board, that the said Whitten was regularly appointed to said office, thereupon gave bond and qualified as required by law: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the election of said Whitten to said office of treasurer and collector of said county of Crawford, and the several acts of the said board of commissioners, in taking and approving the bond of said Whitten, and all the acts and doings of said board, and of the said Whitten in relation to said office, the same are hereby legalized and declared to be as effectual and valid as if done in strict compliance with the existing laws.

SEC. 2. This act shall be in force from and after its passage and publication.

CHAPTER LXVI.

An Act in relation to the Lawrenceburgh and Napoleon Turnpike Company.

[APPROVED DECEMBER 30, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all cases where the Lawrenceburgh and Napoleon Turnpike company are unable to agree with the owner or owners of any piece of land, through which they are now authorized by law to run, it shall be lawful for the parties to each select one disinterested freeholder, in the township, to assess the damage; and in case the two arbiters selected are unable to agree, they shall have power to choose a third like citizen to decide between them, whose award, when made known in either case, shall be final.

SEC. 2. *Be it further enacted*, That if the owner of any [of] said land, through which the company wish to pass, shall, on ten days' notice, fail (as is provided in the first section) to choose a man, it shall be lawful for any justice of the peace in the township to choose three freeholders, to determine and award the damage, on application of the company for that purpose: *Provided*, That in either case the offer of the company to pay the damage so assessed, shall entitle them to enter immediately upon the premises for the purpose of making their road.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force from and after its publication in a newspaper printed at Lawrenceburgh at the expense of the company.

CHAPTER LXVII.

An Act to correct a misprint in an act entitled "An Act for the relief of the Administrators of John Coce, late of Dearborn county, deceased.

[APPROVED DECEMBER 31, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name "John Coce," wherever it occurs in the above named act, be and the same hereby is declared to be a misprint, and to mean and have been intended for John P. Case, to whose administrators all the provisions of said act are hereby extended and applied.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER LXVIII.

An Act for the relief of Victor A. Pepin of Floyd county.

[APPROVED JANUARY 6, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the sale and conveyance heretofore made to Victor A. Pepin of Floyd county, of part of lot number nine, on upper Spring street, in the city of New Albany, belonging to congressional township number three, range six east, in said Floyd county, be and the same is hereby confirmed.

SEC. 2. That the trustees of school district number two, in range six east, in said Floyd county, be and they are hereby fully authorized and empowered to sell and convey to Victor A. Pepin all the interest said district now holds in and to lot number nine on upper Spring street in the city of New Albany, and said conveyance, when made, shall pass all the right and title of said district in said lot.

SEC. 3. This act to be in force from and after its passage.

CHAPTER LXIX.

An Act to amend an act entitled "An Act to locate a State Road in the county of Marshall," approved January 13th, 1845.

[APPROVED JANUARY 6, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Sherland, Sidney Williams and Henry B. Pershing, of the said county of Marshall, be and they are hereby appointed viewers to view, mark and locate said road according to the provisions of the act to which this is an amendment.

SEC. 2. The said commissioners, or a majority of them, are hereby required to meet on the first Monday in May next, or as soon as practicable thereafter, and proceed to discharge the duties assigned them as such commissioners; and they are required by this act to make a report of their proceedings at the June or September term of the board of commissioners of said county.

SEC. 3. This act to be in force from and after its passage.

CHAPTER LXX.

An Act for the relief of Martha Ann McCune of Floyd county.

[APPROVED JANUARY 10, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That if John McCune shall fail to plead, answer or demur to the petition for a divorce filed against him by Martha Ann McCune, and now pending in the Floyd circuit court, on the calling of said cause, that such default shall have the same effect as a default in other suits in chancery, and the matters and things contained in said petition shall be taken for confessed, and a decree rendered accordingly.

SEC. 2. In said case it shall not be the duty of the prosecuting attorney to appear and oppose the granting of said divorce, and no answer shall be filed to said petition unless the answer is under oath.

SEC. 3. This act to be in force from and after its passage.

CHAPTER LXXI.

An Act to authorize the board doing county business in the county of Scott to adjust the accounts of Jacob A. Jackson, late treasurer of said county.

[APPROVED JANUARY 15, 1846.]

WHEREAS, It has been represented to this General Assembly, by many of the worthy citizens of the county of Scott, that Jacob A. Jackson, late treasurer of said county, was, at the time of his death, in 1844, found to be in arrears, as appeared from the books of his office, to the county revenue, in the sum of three thousand dollars, which said arrearage was reduced to fourteen hundred dollars, by evidence that the said treasurer, in the year 1841, had redeemed county orders to the amount of sixteen hundred dollars which, through ignorance of the law, he had destroyed; and it appears also that the said treasurer, at the time of his death, had on hand county orders sufficient to reduce said arrearage to the sum of one thousand dollars, or thereabouts; AND WHEREAS, there is reason to believe that the said treasurer if he had lived, would have been able to show that he was not in arrears to the county, at his last settlement for revenue of 1843, and that he had redeemed and destroyed county orders to the full amount of said last mentioned sum: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board doing county business in the county of Scott, be and they are hereby directed to enquire into all the circumstances attending the apparent failure of said treasurer, to settle for the amount of county revenue collected by him while in office, and to compromise with the administrator and the sureties on the bond of said treasurer, or to release them from the payment of said arrearages as said board may deem just and right.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LXXII.

An Act to incorporate the Brookville Manufacturing Company.

[APPROVED JANUARY 6, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Pelsor, Thomas McDowell, James H. Speer, John W. Hitt and Joseph Reedman, and all other persons who may be associated with them as stockholders under the provisions of this act, shall constitute a body politic and corporate under the name of the Brookville Manufacturing Company; and by that name shall have perpetual succession, and the capacity to sue and be sued; with power to make and use a common seal, and power to do all acts and things necessary for the furtherance of the objects of this incorporation, not contrary to the constitution and laws of the State or of the United States.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars in shares of fifty dollars each, but it shall be lawful for said company to commence business so soon as three hundred shares shall be subscribed.

SEC. 3. Books for the subscription of stock shall be opened under the direction of the persons named in the first section of this act, or any one of them, or such other person or persons as they may appoint at Brookville, and such other places as they may designate, and shall be kept open until the necessary amount is subscribed.

SEC. 4. So soon as three hundred shares shall have been subscribed, the person or persons opening said books of subscription, shall give at least three weeks notice in some newspaper published in Brookville, Franklin county, Indiana, of the time and place at which the stockholders shall meet and hold an election for directors to direct and manage the business of the corporation.

SEC. 5. Said stockholders, when assembled, shall elect five directors, three of whom shall form a quorum to transact business, to serve for the term of one year, and until their successors are elected and qualified. No person shall be a director unless he be a stockholder. The directors, when elected, shall choose one of their own number as president, and in case of vacancy in their body, the remaining directors or director shall have power to fill the same out of the stockholders, by appointment, until the next election thereafter. The directors shall also have power to choose a secretary, and such other officers as they may think necessary, whose tenure of office, liabilities and duties shall be regulated by said directors, and may require them to give such security as they think proper. All elections by the stockholders shall be by ballot. Each share shall entitle the holder to one vote, and the votes may be in person or by proxy in writing. The first election shall be under the direction and supervision of some of the persons named in the first section of this act, and all elections afterwards shall be under the direction of such persons as the directors may designate, and at such time and place as the by-laws may direct.

SEC. 6. The directors, after their election, shall determine what instalments shall be paid by the stockholders on their stock, and at what time or times the same shall be paid, and shall have power to receive said instalments, or so much of them as they may think proper in materials, labor or other articles of value, which can be used in carrying on the objects of said corporation. Not less than thirty days' notice of the amount of each instalment, and the time

for the payment thereof shall be given by the secretary of said company, either personally to each stockholder, or by publication in some newspaper printed in Brookville, in said county; but not more than one half of the stock shall be required in one year. If any shareholder or subscriber shall fail to pay up his, her or their instalments as required, after notice as aforesaid, shall forfeit his stock and the amount paid to the company; but the directors shall have power to remit such forfeiture, within sixty days thereafter, upon the payment of the instalments and such damages in addition as they shall impose.

Sec. 7. The said company shall have power to purchase and hold in fee simple, or for years as they may think proper, any quantity of real estate in the county of Franklin, Indiana, for the purpose of carrying on and conducting the affairs of said company; shall have power to build, erect and construct dams, races, mills, buildings, houses and machinery of every description whatever for the purpose of manufacturing any and all things they may think proper; also to sell, rent, lease, buy or convey any water power which they may own or want, as well as any other property, to or from any other individual or company; and generally to do and perform any and all other acts and things not inconsistent with the laws and constitution of this State or of the United States, which may be necessary or proper in order completely to carry into effect the objects of this incorporation or the powers granted in this charter.

Sec. 8. The said directors shall have power to make such by-laws, rules and regulations for the government of the company, its officers, stockholders and the protection of their property as they may, from time to time, think proper.

Sec. 9. A failure to elect directors for said company at any time fixed by this act or the by-laws of the company, shall not operate as a dissolution of the corporation, but such election may be held at any time thereafter and shall be valid.

Sec. 10. The company shall keep, or cause to be kept, proper books of accounts, in which shall be entered the business transactions of the company, with such other books as may be necessary, all of which shall be subject to the inspection of the stockholders of the company.

Sec. 11. The stock of this company shall be considered personal property, and transferable only on the books of the corporation. The directors shall cause to be issued certificates of stock at such time as they shall see proper.

Sec. 12. After the election of the first directors, they may open and keep open books for the subscription of stock, for such time and at such places as they may think proper.

Sec. 13. The directors may, from time to time, make such dividends as they may think proper, and determine in what and the time when payable.

Sec. 14. The process against the corporation shall be the same as against natural persons, and may be executed on the president or

any director thereof, and further proceedings shall be the same as against natural persons.

Sec. 15. This act shall be, and the same is hereby declared a public act, and shall take effect and be in force from and after its passage; but said corporation shall not, by the privileges herein granted, engage in any banking business whatever.

Sec. 16. The whole amount of the debt, which said company shall at any time owe, shall not exceed the amount of its capital stock actually paid in; and in case of any excess, the directors under whose administration it shall happen, shall be jointly and severally liable to the extent of said excess, for all debts of the company then existing, and for all that shall be contracted, so long as they shall respectively continue in office, and until the debts shall be reduced to the amount of the capital stock paid in: *Provided*, That any of the directors, who shall be absent, at the time of contracting any debt, or object to it, may exempt themselves from the liability contemplated in this section by forthwith giving public notice of the fact by publication in a newspaper published in the town of Brookville.

Sec. 7. This charter shall be subject to repeal or amendment at the pleasure of the Legislature.

CHAPTER LXXIII.

An Act establishing an additional place of holding elections in Bartholomew county.

[APPROVED JANUARY 15, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all elections hereafter to be held in the county of Bartholomew for State or county officers, or for the election of electors of president and vice-president, there shall be a poll opened at the town of Hartsville, at some point within the limits of said town, to be fixed by the board of commissioners of said county, which shall be known as the precinct of Hartsville, and elections there held shall be governed and conducted according to the general laws relating to elections now in force, except as hereinafter provided.

Sec. 2. That it shall be the duty of the board doing county business in said county, annually, at their June session, to appoint some person resident of Hawe Creek township, or Clifty township, in said county, to act as inspector of elections at said precinct of Hartsville, and the persons resident of either of said townships and usually voting at said precinct at Hartsville, may petition to said board for the appointment of any person, and when such petitions are presented, said board shall be governed by the wishes of a majority

of the petitioners; and when any vacancy may occur from the non-appointment or non-appearance of the inspector, the same may be supplied as is provided in the nineteenth section of the fifth chapter of the Revised Statutes of 1843.

Sec. 3. That nothing in the general law of January 13th, 1845, "confining voters to their respective townships," shall be understood to exclude any qualified voter of Hawe Creek township, or Clifty township, in said county, from voting at any election held for the purpose aforesaid, either at the usual place of holding elections in the township in which he may reside, or at the said precinct of Hartsville, as may suit the convenience of any such voter.

Sec. 4. This act to be in force from and after its publication in the Columbus Gazette.

CHAPTER LXXIV.

An Act for the relief of settlers upon the Wabash and Erie Canal Lands.

[APPROVED JANUARY 15, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the provisions of "An Act for the relief of settlers on the Wabash and Erie canal lands," approved February 24, 1840, shall extend to all persons having made improvements upon said canal lands previous to the first day of January, 1846.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER LXXV.

An Act vacating a part of Howard Street and certain Alleys in West Richmond.

[APPROVED JANUARY 15, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That that part of Howard street in West Richmond, Wayne county, which lies between Second and Third streets; and the alley which runs west from Fourth street to Third street, between lots numbers ten (10) and eleven (11), sixteen (16) and seventeen (17), twenty-two (22) and twenty-three (23), twenty-five (25) and twenty-six (26), thirty-one (31) and thirty-two (32), thirty-three (33) and

thirty-four (34). Also, the alley running from the National Road to Front street, between lots numbers two (2) and three (3) in the said town of West Richmond, Wayne county, be and the same are hereby vacated; and the division line between said lots shall be located in the middle of the street and alleys by this act vacated.

Sec. 2. This act to be in force from and after its passage.

CHAPTER LXXVI.

An Act to amend an act entitled "An Act to incorporate the Dearborn County Cotton Manufacturing Company, and for other purposes," approved February 11, 1843.

[APPROVED JANUARY 15, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all that part of section eleven, of the above recited act, after the word "banking" be and the same is hereby repealed.

Sec. 2. *Provided*, That the directors of said company, that shall contract any debts over and above the amount of good and solvent stock subscribed, shall be liable for their payment.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER LXXVII.

An Act to establish a State Road in Scott county.

[APPROVED JANUARY 15, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That George McCullough, Gara Davis and John Davis, all of Scott county, be and they are hereby appointed commissioners to view, mark and locate a State road beginning at New Frankford, thence to William L. Read's Mills on Stucker's Fork, thence to cross the State road leading from Lexington to Vienna, at the farm where Benjamin Nookes now lives, thence due south, to intersect the road leading from Vienna to Charlestown.

Sec. 2. The said commissioners shall meet at Frankford on the second Monday in May next, or at any other time that will suit their convenience, and shall take an oath faithfully to discharge their duty

as such commissioners before some person authorized to administer oaths; and any two of said commissioners shall form a quorum and may proceed as aforesaid.

SEC. 3. The said commissioners shall make a report to the county court forthwith, and said court shall order the supervisors through whose district said road shall run, to have the same opened the usual width; and the court shall have the report of said commissioners recorded in the record book that is kept for such purposes; and said court shall make such allowance to said commissioners as to them shall seem just and equitable; and the said commissioners are hereby empowered to have a surveyor and chain carriers if they shall see cause so to do.

SEC. 4. This act to be in force from and after its passage.

CHAPTER LXXVIII.

An Act to incorporate the Rising Sun Manufacturing Company.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Stirrat, Shadrach Hathaway, Thomas Kempton, Archibald Moore and William P. Lambdin, together with such other persons as may associate for the purpose of manufacturing cotton and woollen goods, to be established at Rising Sun in Ohio county, be, and the same are hereby ordained, constituted and declared to be a body politic and corporate to all intents and purposes, to be known and designated by the name of the "Rising Sun Manufacturing Company," by which name they and their successors and assignees shall have perpetual succession, and be entitled to all the privileges and immunities of the laws of this State, as a body politic and corporate.

SEC. 2. The capital stock of said company shall be one hundred and fifty thousand dollars, consisting of shares of fifty dollars each. That it shall nevertheless be lawful for said corporation, as soon as five thousand dollars have been subscribed, to commence their business, and they shall then be entitled to all the privileges of extending the amount of capital by subscription to one hundred and fifty thousand dollars, as the interests of the business of said corporation may require. And the aforesaid incorporation, or any three of them, are constituted commissioners, and as such are hereby authorized to open books and receive subscriptions to said stock, at such places and times as they may deem expedient, after the passage of this act, which subscriptions shall be paid at such time and in such manner as the board of directors may direct.

SEC. 3. As soon as five thousand dollars shall be subscribed to the capital stock of said company, the aforesaid commissioners shall proceed to order an election of five directors, who shall have the whole management of the stock, property and concerns of said corporation. Said commissioners shall give at least ten days' notice, previous to holding said election, by publishing the same in the newspapers of said county, if there be any, and if not, by posting up such notice in three public places, at least ten days before said election. The said directors shall be chosen by ballot from among the stockholders, each share of fifty dollars being entitled to one vote, and shall hold their office for one year from the time of their election and until their successors are elected, and no longer; and they shall be elected by a majority of the votes given, either by the stockholders present or by written proxy of those not present, which elections shall be held in Rising Sun, and annually from the date of the first election. The said commissioners shall act as judges, and shall manage and conduct said election; but at each subsequent election the acting directors shall act as judges and shall manage and conduct said election. And said directors shall elect one of their number to act as president of said board of directors, and in case of vacancy of one of said board by death or otherwise, the remainder of the board shall have power to fill such vacancy, but if a vacancy of two or more shall occur, the remaining board shall proceed to order an election to fill such vacancy.

SEC. 4. In case it shall happen at any time that an election of directors should not be made, on any day when in pursuance of this act it ought to have been made, the said corporation shall not for that cause be dissolved, but it shall be lawful on any other day to hold an election for directors, in such manner as shall be regulated by the by-laws and ordinances of said corporation.

SEC. 5. A majority of the directors shall form a quorum, capable of transacting the business of said company, and may enact such by-laws, rules and regulations as they may deem expedient, for the government of said corporation: *Provided*, They be compatible with the constitution of the State, and the United States. The said directors shall have full power and authority to put into operation all the designs contemplated in this charter.

SEC. 6. The stock of said corporation shall be considered as personal property, and shall be assignable, agreeable to such rules and regulations, as the board of directors may, at any time, make and prescribe: *Provided*, That no transaction in the capital of said stock shall be valid, until the same shall be entered as a matter of record on the books of said company, nor till all or any claims which said company may have against said stockholder shall be liquidated.

SEC. 7. The directors shall have power to receive and, by due course of law, to collect all subscriptions in writing, for the purpose of raising the funds necessary to carry into effect the object of said corporation, and shall be entitled to receive ten per centum damages

on any stock which shall not be paid pursuant to the requisitions of the board; or, the board may, in their discretion, after failure to pay any instalment of stock as required, declare the part of said stock before paid in on said share, forfeited to the use of the company: *Provided*, That notice of such requisition shall be given by said directors, by written advertisements, posted up at three of the most public places in said town of Rising Sun, at least thirty days before such instalment may be payable, specifying the amount thereof, and when due.

SEC. 8. The corporation shall require of all officers, and others in their employ, bonds, with security to their acceptance, with such penalties as they may think proper, for the faithful performance of their respective duties.

SEC. 9. Said directors shall appoint one secretary and one treasurer, who shall report to said board of directors at least every six months, and as much oftener as the board may require; said treasurer shall, if required by said board of directors, give such security as said board may require, and said secretary shall keep the books of the company in such manner as at any time they will give a full expose of the whole transactions of the concern, which books shall, at all times, be open to the inspection of all stockholders; and that said secretary, upon refusal thus to display said books, during any of the usual hours of doing business, shall be subject to be displaced by said board of directors, who shall have power to appoint another to fill his place during the balance of his term.

SEC. 10. The said corporation, when thus organized, shall have power of contracting and being contracted with, suing and being sued, pleading and being impleaded, defending and being defended, in any court of competent jurisdiction; and that they and their successors may have a common seal, and may make and alter the same at pleasure, and that they and their successors, as a body corporate, by the aforesaid name, shall be competent and capable of purchasing, holding, using and occupying, any property or estate whatsoever, real or personal, that may be necessary to the prosecution of their designs as aforesaid.

SEC. 11. Said corporation shall at no time issue any paper, or in any manner engage in the business of banking, or put in circulation, on their own credit, any thing as the representative of money.

SEC. 12. The legislature reserves the right to appoint an agent, at any time, to inspect the condition of said corporation, and if it should so happen that they have transcended any of the powers given by this act, or that the business of said corporation is in a state of bankruptcy, shall have power to dissolve the same.

SEC. 13. If the directors in said company shall contract debts, in their corporate capacity, over and above the amount of capital stock, the directors so contracting, shall be individually liable for the payment of such excess; and the legislature reserves the right to alter and amend this charter, and to repeal the same upon violation of any of its provisions by the officers or stockholders of said company.

SEC. 14. This act is hereby declared a public act for the purposes herein specified, and shall take effect and be in force from and after its passage.

CHAPTER LXXIX.

An Act for reducing the salary of the Auditor of Sullivan county.

[APPROVED DECEMBER 16, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the auditor of Sullivan county shall be allowed the sum of three hundred dollars, and no more, for his services as auditor of said county, to be paid in quarterly payments.

SEC. 2. It is hereby made the duty of the auditor aforesaid, to do and perform all the duties now required by law for him to do and perform.

SEC. 3. All laws and parts of laws now in force, allowing the auditor twelve and a half cents for the transfer of deeds, be and the same are hereby repealed, so far as the county of Sullivan is concerned.

SEC. 4. This act to take effect and be in force from and after its passage; and all laws conflicting with the provisions of this act are hereby repealed.

CHAPTER LXXX.

An Act to provide for the remuneration of Sylvester House, of Syracuse, New York, for the arrest of Joseph Gould, a fugitive from justice from the State of Indiana, and for other purposes.

[APPROVED JANUARY 6, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the State treasurer pay Sylvester House, of the town of Syracuse, State of New York, the sum of two hundred dollars, out of any moneys in the treasury, not otherwise appropriated, for services performed by said House, in the arrest and apprehension of Joseph Gould, a fugitive from justice from this State, who made his escape from the sheriff of Fulton county, while on the Madison and Indianapolis Rail Road, on his way to the penitentiary of this State.

SEC. 2. *And be it further enacted*, That the treasurer of State pay to Abijah Van Ness one hundred and fifty-nine dollars, for money expended and services rendered, in going to the State of New York, after Joseph Gould, a fugitive from justice, with a requisition from the Governor; also to James W. Dunn, for services rendered and money expended, in accompanying the said Abijah Van Ness after the said Joseph Gould, ninety dollars.

SEC. 3. The treasurer of state will also pay to James P. Gregory and Alexander Chamberlin sixty-one dollars, for services rendered and money expended, in going to Peru, Illinois, after Williams and others, that escaped from the sheriff of Fulton county, on the way to the State penitentiary, out of any money, not otherwise appropriated.

SEC. 4. This act to be in full force from and after its passage.

CHAPTER LXXXI.

An Act to repeal the corporation law, so far as Lexington is concerned.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act authorizing the incorporation of towns and villages, be and the same is hereby repealed, so far as the town of Lexington is concerned; and all laws or parts of laws, coming within the purview of this act, be, and the same is [are] hereby repealed.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LXXXII.

An Act to provide for the continuation of the Madison and Indianapolis Rail Road to Pendleton, Huntsville and Andersontown.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the provisions, rights, privileges, powers and immunities, enacted, granted and provided, by an act of the General Assembly of this State, entitled "An Act to provide for the continuance of the construction of all or any part of the public works of this

State, by private companies, and for abolishing the board of internal improvements, and the offices of fund commissioner and chief engineer," approved January 28, 1842, to private companies, for the constructing or repairing any one or more of the works of internal improvement, referred to in said act, be, and the same are hereby granted, enacted and conferred, upon, and vested in, any number of persons who may, in accordance with the provisions of said act, and of this act, associate themselves together for the continuation of said rail road to Andersontown, except as in this act altered and restricted.

SEC. 2. That the association to be formed, for the purpose aforesaid, shall be styled the Pendleton and Indianapolis Rail Road Company, and by such name shall contract and be contracted with, sue and be sued, and when organized, under the provisions of this act, and of the act in the first section above referred to, shall have full power and authority to do and perform all and every act or acts, and every other matter or thing necessary to be done under the provisions aforesaid, for the construction and continuation of said rail road.

SEC. 3. That Jonathan Ninn, Thomas Arnett, Joseph Chitwood, Robert Hanna, Calvin Fletcher, Conrad Crossley and John H. Cook, or a majority of them, be and are hereby appointed commissioners, to open books at suitable places in said State and elsewhere, for the subscription of the capital stock of said company, at any time within five years from the passage of this act: *Provided*, That said commissioners, or a majority of them, shall give three weeks' public notice of the times and places of opening of said books, by publication in some newspaper, published nearest to said rail road.

SEC. 4. That the capital of said company shall consist of subscriptions of stock, to be subscribed in money, labor, or materials, for the construction of said work, and whenever twenty thousand dollars thereof shall be subscribed, as the capital of said company, and paid, or secured to be paid, or transferred to the commissioners aforesaid, or a majority of them, then the said commissioners aforesaid, or a majority of them, shall order an election of directors of said company, according to the provisions of the act aforesaid.

SEC. 5. The said company, and the directors thereof, shall thereafter proceed to mark and lay out said road, on the nearest and best route, and in the construction thereof, and when fully constructed, shall be governed by the provisions of the act above referred to, except as herein modified.

SEC. 6. The company aforesaid shall commence the construction of said road, within five years after the passage of this act, and shall complete the same within fifteen years thereafter; and the directors that shall contract any debts, over and above the amount of capital stock subscribed, and the payment of which shall be amply secured, shall be individually liable for the payment thereof.

SEC. 7. This act shall be deemed, and taken to be, a public act,

subject to be altered or amended by any future legislature, and shall be liberally construed, and be in force from and after its passage.

CHAPTER LXXXIII.

An Act for the relief of Thomas Murphy.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the agent of State to pay to Thomas Murphy the sum of five hundred and sixteen dollars and seventy-nine cents, for work done by him as sub-contractor upon section sixty-four of the White Water Canal, out of any moneys that now is or may hereafter come into the hands of said agent, and not otherwise appropriated.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER LXXXIV.

An Act to provide for the permanent location of the seat of justice of Noble county.

[APPROVED JANUARY 10, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the qualified voters of Noble county, shall meet at their usual places of holding elections, in said county, on the first Monday in April next, and determine, by a vote of the qualified voters of said county, present, at what place in said county the seat of justice, in and for said county, shall be permanently located, by designating the name of such place voted for on their ticket: *Provided*, That no place shall become such county seat, until it shall have received a majority of all the votes given at such election: *And provided further*, That if no place shall receive a majority of all the votes, as aforesaid, it shall be the duty of the auditor of said county, (to whom it is hereby made the duty of the trustees of the several townships of said county to make return of said election,) to notify the voters of said county, by posting up advertisements at the several

election places in said county, that a second election will be held, on the first Monday of June thereafter, and the three points getting the highest number of votes, shall be voted for at said second election; and any votes cast for any other than one of said three points, shall not be counted; and if no place, at said second election, shall have a majority of all the votes given, said auditor shall give further notice of that fact, and a third election shall be held on the first Monday in August thereafter, when the two points having the highest number of votes, shall be voted for, and the place having a majority of all the votes given, shall be the seat of justice of said county of Noble: *Provided, however*, That in case of a tie vote between any two or more places having the highest number of votes, and therefore to be voted for at the succeeding election, the points as receiving an equal number of votes shall be voted for at the succeeding election, until one of them shall receive a majority of all the votes given. The auditor of said county shall give at least ten days' notice of said elections, by notices set up in each township.

SEC. 2. It shall be the duty of the trustees of the several townships in said county, to attend said elections, which shall be conducted and governed as other elections.

SEC. 3. It is hereby made the duty of the auditor of said county, to make out poll books for said election and forward them to the trustees of the several townships, and when the poll books are returned to the auditor, he shall compare the same, and if any point shall have a majority of all the votes given, it shall be and become the permanent county seat of said county: *Provided, however*, That the board doing county business may, in their discretion, vary from the exact point so indicated, not exceeding eighty rods, if in their opinion a more eligible site is thereby obtained.

SEC. 4. It shall be the duty of the board doing county business in said county, to proceed, as soon as practicable, after the location of said new seat, to cause the necessary public buildings to be erected, and so soon as the same shall be erected, the proper county officers of said county shall remove their offices to said new county seat, and from that time the courts of said county shall be held at said new county seat.

SEC. 5. This act to be in force from and after its passage; and it is hereby directed to be published in the "Goshen Democrat," and the "Lagrange County Democrat," and the expense shall be paid by the said county of Noble; and it is hereby made the duty of the Secretary of State to forward to either of said papers, forthwith, a copy of this act.

CHAPTER LXXXV.

An Act for the relief of Isaac Cowan and George Conrod.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the school commissioner of Pike county be and he is hereby authorized and required to release Isaac Cowan and George Conrod from all liability of either principal or interest, of a note executed by them for the sum of sixty-eight dollars seventy-nine and a half cents, payable to the school commissioner of the county aforesaid.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER LXXXVI.

An Act for the relief of Absalom Paynter of Henry county.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall and may be lawful for the board doing county business in the county of Henry, to allow Absalom Paynter of said county a reasonable compensation for materials furnished, and services rendered in the erection of a bridge over Honey Creek in said county, to be allowed out of any money in the treasury of said county not otherwise appropriated.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LXXXVII.

An Act to authorize a settlement between the State and Allen McLean of Morgan county.

[APPROVED DECEMBER 31, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Burk and Thomas A. Morris of the county of

Marion, be and they are hereby authorized and appointed to estimate, fix and determine the value of the water privilege and water power now owned and occupied by Allen McLean at the Bluffs of White River, on the central canal, under a contract with the State of Indiana, from the commencement of his occupancy thereof to the end of thirty years, and when the same shall be ascertained, to make, seal and deliver a lease thereof to said Allen McLean for said term, specifying the amount of power he shall be entitled to, and the amount of rent he shall pay therefor, and subject to the same restrictions and regulations now provided for by law, for leasing water power on said canal; and also to measure, estimate, fix and determine how much work, labor and improvement and other matters said McLean has done in relation to and [in] connection with said canal and power, at some point, for which he is justly entitled to payment from the State as a credit on his rents either past or prospective, and when the same shall be so ascertained, to allow and credit the same to him.

SEC. 2. The said Thomas A. Morris and John Burk, are hereby authorized and required to make a full and final and equitable settlement of all accounts between the State of Indiana and the said Allen McLean, arising and growing out of said water privilege, and the work necessary to create the same, and to charge against the said McLean, all proper rents, charges and other matters which he should pay, and to credit him with all proper accounts, claims, deductions, payments and all other matters with which he should properly be credited and allowed, and shall allow him for all work done by him to create said water power, and which, by law, or by his contract with the State, it belonged to the State to do, and all repairs and other matters which are properly chargeable to the State; and in making such charges against him, shall take into consideration the decreased value of water power, by reason of the non-completion of said canal, and all other matters connected therewith, and if a balance be found in his favor, shall credit the same as his payments of rent upon the lease, they shall deliver to him for his water power; and if a balance be found against him, shall report the same to the auditor of State to be collected according to law; and such settlement when made as herein provided, shall be final and conclusive between the parties.

SEC. 3. The said commissioners, in making such settlement, shall have due regard to, and be governed by, any contract between the State and said Allen McLean; and shall be authorized to hear such proof in the whole matter as to them shall seem proper and right.

SEC. 4. The whole expense and charge of this estimate and settlement, and of all proceedings under this act, shall be paid and borne by the said Allen McLean.

SEC. 3. This act to be in force from and after its passage

CHAPTER LXXXVIII.

An Act to remove the disability of Francis Lafontain, Catharine Richardville, LaBlond Richardville, and Susan Richardville, and the widow and children of Francis Godfroy, late of Miami county deceased, to sell and convey real estate, and to legalize any sales that may have been made by them, or either or any of them previous to the passage of this act.

[APPROVED JANUARY 10, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Francis Lafontain, Catharine Richardville, LaBlond Richardville and Susan Richardville, members of the Miami Nation of Indians, may sell, devise or otherwise dispose of and convey any real estate they may be possessed of, their disability to do so by the act entitled "An Act for the relief of the the Miami and other Indians," approved February 3d, 1841, or any other law of this State, being hereby removed.

SEC. 2. That all sales or conveyances of real estate heretofore made by the said Francis Lafontain, Catharine Richardville, LaBlond Richardville, and Susan Richardville, or any or either of them are hereby legalized and confirmed, and rendered of the same force and validity to all intents and purposes as if there had been no disability by reason of the passage and operation of the act recited in the first section of this act. All the privileges and provisions of this act is [are] hereby extended to the widow and children of Francis Godfroy late of Miami county deceased.

SEC. 3. This act to be in force from and after its passage, and it shall be the duty of the secretary of State to make out a certified copy of the same, and cause it to be filed in the clerk's office of Huntington county.

CHAPTER LXXXIX.

An Act to vacate a certain alley in the town of Plymouth.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the alley between lots numbered eighty-one, eighty-two and eighty-three on the one side, and lots numbered eighty-four, eighty-five and eighty-six on the other, situate on Laporte street in the town of Plymouth, in the county of Marshall, be and the same is hereby vacated.

CHAPTER XC.

An Act to authorize the people of Fayette and other counties therein named to elect their Seminary Trustees.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the legal voters of the counties of Fayette, Dearborn, Franklin, Union, Wayne, Ripley, Madison, Randolph, Bartholomew, Ohio, Fulton, Marshall, St. Joseph, Park, Orange, Adams and Jay, shall respectively, at their next annual election in the year 1846, and biennially thereafter, elect five seminary trustees for each of said counties, to serve as such for the term of two years, and until their successors are elected and qualified.

SEC. 2. The said trustees, on being qualified into office, shall be a body corporate and politic, and shall elect one of their own body as president, and another of their own body as clerk; such president and clerk being removeable at the pleasure of the said board of trustees.

SEC. 3. The said board of trustees shall be governed in all respects by the provisions of the thirty-fourth section of article two, of chapter fourteen of the Revised Laws of 1843. And that so much of the thirty-first, thirty-second and thirty-third sections of the article and chapter aforesaid as contravenes the provisions of this act, be and the same is hereby repealed so far as said counties are concerned.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XCI.

An Act to vacate part of a State Road in Franklin county.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the State Road from Laurel to Brookville, in the county of Franklin, as lies between Yellow Bank Creek and the town of Brookville, is hereby vacated.

SEC. 2. This act to take effect from and after its passage.

CHAPTER XCII.

An Act relative to leveeing the Wabash River on Shaker Prairie.

[APPROVED JANUARY 14, 1846.]

WHEREAS, The citizens residing on Shaker Prairie in the counties of Knox and Sullivan, have petitioned for the passsage of a law to better enable them to levee the Wabash River from a point in Sullivan county, near the residence of Robert Latshaw to Emison's landing in Knox county, at the joint expense of all the owners of land on said prairie, in proportion to their respective benefits: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Robert Latshaw of Sullivan county, and Horace B. Sheppard and James M. Emison of the county of Knox, and their successors, be appointed a board of directors to locate and superintend the construction of a levee from a point on the Wabash River near the residence of Robert Latshaw to Emison's landing, who shall have full power and authority to construct said levee, to adopt such measures as they may deem necessary for the preservation of the same, to repair the same, and to do all and every thing also that may be necessary to make said work answer the purposes of its construction; and are also, for the purpose aforesaid, hereby made capable in law, to contract and be contracted with, to sue and be sued, to plead and be impleaded by the name and style of The Board of Directors for leveeing the Wabash River on Shaker Prairie.

SEC. 2. That all the owners of real estate within the territory embraced in the following limits, to-wit: Within a line commencing at that point on the Wabash River in Sullivan county, at which said levee begins, thence due east to Maria Creek, thence down Maria Creek to its junction with the Wabash River, thence up said river to the place of beginning, shall, on the second Monday of April, A. D. 1848, and every two years thereafter, elect three resident freeholders of said territory, to succeed the board herein appointed, who shall hold their offices for two years and until their successors are duly elected.

SEC. 3. The board of directors shall give three weeks' notice of said election by posting up written notices at three of the most public places in said territory, shall fix and regulate the place, time and manner of holding and conducting such election, shall appoint the inspector, judges and clerks of the same, shall prescribe their duties, and shall make all other needful regulations appertaining thereunto.

SEC. 4. Said board shall, at their first meeting, organize by appointing one of their own body clerk, whose duty it shall be to keep and preserve all the books and papers belonging to the board;

and shall also adopt such rules and by-laws, for their own government, as they may deem right and proper.

SEC. 5. The board shall keep a book in which all its orders, resolutions, appointments and contracts shall be recorded [and] signed by those members of the board present at their adoption; and a majority of said board shall have all the power to act in all matters coming within the scope of the power herein conferred on said board as fully and as completely as if the whole of said board were present and concurred therein.

SEC. 6. The board, as soon as practicable, and as often thereafter as they may deem proper, shall appoint two disinterested freeholders, one from the county of Knox and one from the county of Sullivan, whose duty it shall be to carefully examine the lands in said territory, to rate and assess the benefits said improvement has been and will be to each tract or farm, and to return the same under their hands to said board of directors with a certificate endorsed and sworn to by them that it is a true and faithful assessment to the best of their judgments; and such assessments shall be liens upon the different tracts of land upon which they are assessed until fully paid.

SEC. 7. The board shall appoint some suitable person to collect all assessments, shall fix his compensation and require such bond of him as they may deem advisable.

SEC. 8. The board shall make out or cause to be made, whenever it may be deemed necessary, a duplicate of said assessments under their official signatures, with the amount to be paid by each person opposite to his name, and the amount heretofore paid on account of the construction of said embankment which shall be deducted from the amount assessed against such individual, and hand the same over to their collector which duplicate shall be his precept for collecting the same, and shall have the force and effect of a writ of *fiera facias* in the hands of said collector; and all persons who shall not pay, or of whom said collector has not collected the amount of their assessments within six months from and after the delivery of said duplicate into the hands of the collector, shall be returned by him to said board of directors as delinquents.

SEC. 9. The board of directors, to enforce the collection of said assessments, may file a certified copy of such delinquent list in the circuit court of the proper county, and cause summonses to be issued against said delinquents who may reside in said territory, which summonses shall be served by the sheriff of the proper county, and if served ten days before the first day of court, judgments may be rendered by said court against each of said delinquents for the sale of their lands for the payment of such assessments and costs, which judgments and sales shall be governed in all respects by the laws which may be in force regulating the foreclosure of mortgages and the sheriff sales consequent thereon.

SEC. 10. If any of said delinquents be non-residents, notice of the pendency of such application shall be published in one of the

newspapers published at Vincennes for six successive weeks, six months before the first day of the court at which judgment can be rendered.

SEC. 11. That the contract heretofore made with Solomon Wolfe, by the citizens of Shaker Prairie, be and the same is hereby legalized, and shall be taken and considered to have been made by said directors, and to have the same obligation and effect as if so made.

SEC. 12. This act to take effect and be in force from and after its passage, and shall be considered a public act, and be construed liberally for the purposes therein mentioned.

CHAPTER XCIII.

An Act to repeal an act to reduce the prices paid for ferriages in Lawrence county, approved January 15th, 1844, and to revive the general law.

[APPROVED DECEMBER 31, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled "An Act to reduce the prices paid for ferriages in Lawrence county," approved January 15th, 1844, be and the same is hereby repealed, and that the general laws regulating ferries, in force in Lawrence county previous to, and at the taking effect of said repealed act, shall be and are hereby revived; to take effect and be in force, in said county, from and after the passage of this act.

CHAPTER XCIV.

An Act relative to the water power at Northport, in Noble county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the commissioner of the Wabash and Erie Canal east of Lafayette, to let, by contract, to the lowest responsible bidder, on the first day of May next, or as soon thereafter as the interest of the State will permit, the unfinished portion of the Northport feeder dam, so as to make the water power at that point available: *Provided*, That he can purchase for the State

the necessary land upon which to erect machinery, in accordance with the laws now in force on that subject.

SEC. 2. It shall be the duty of the commissioner, so soon as said dam is completed, to lease such portion of the water power at said dam as may be required by the surrounding country and advantageous to the State.

SEC. 3. The said commissioner is hereby authorized to draw on the treasurer of State for canal land scrip, to complete the aforesaid dam, the treasurer to issue such scrip as has heretofore been issued on the Wabash and Erie Canal, east of the Tippecanoe river; the said sum shall be refunded to the said Wabash and Erie Canal out of the first moneys arising from the rents of the said water power, so created, and the said commissioner shall expend the same, as other funds of said canal are directed by law to be expended: *Provided*, That the amount, thus drawn from the treasurer, does not exceed the sum of five thousand dollars.

SEC. 4. This act to be in force from and after its passage.

CHAPTER XCV.

An Act abolishing the Highway Tax, so far as the county of Morgan is concerned.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the 16th chapter, article fourth, of the Revised Statutes of 1843, as authorizes to be assessed and collected as a highway tax on real estate, is hereby repealed, so far as the county of Morgan is concerned.

SEC. 2. And it is hereby made the duty of the several supervisors, of said county, to keep the roads in their respective districts, in good repair, and they shall have full power to call out the hands in their districts, from time to time, for that purpose.

SEC. 3. It is hereby made the duty of the auditor of the county of Morgan, to ascertain, by the first Monday in May, 1846, the amount of road tax due from the treasury of said county to the respective road districts therein; and upon the application of the supervisors of such districts, the said county auditor shall issue orders upon the county treasury, payable to the several persons entitled thereto, as such supervisors, for the amounts due their districts, respectively; and all such orders shall be numbered, dated and recorded, as is directed in the fifty-sixth section of chapter seven, of the Revised Statutes of 1843.

SEC. 4. Before the several supervisors of said county shall be authorized to draw the amount of road tax, due their respective dis-

tricts, they shall enter into bond, with security to the satisfaction of the auditor, in a penalty equal to the amount of money so received, conditioned for the faithful application of the money, according to law.

Sec. 5. All laws or parts of laws coming within the purview of this act is [are] hereby repealed.

Sec. 6. This act to take effect and be in force from and after its passage and publication in the Martinsville Journal, at the expense of Morgan county.

CHAPTER XCVI.

An Act defining the duties of County Treasurer, county Auditor and Supervisors of highways, in the counties of Rush and Hancock.

[APPROVED JANUARY 20, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That annually, hereafter, supervisors of roads shall, between the first day of May and twenty-fifth day of August, call out all the inhabitants in their districts to work out the road tax charged against them in the list furnished by the auditor.

Sec. 2. Supervisors shall, on or before the first day of September, annually transmit to the county auditor, a complete list of all persons who have not worked out or paid their road tax, whereupon said auditor shall forthwith place such delinquent road tax on the duplicate for State and county revenue for the current year, to be collected in the same manner as other taxes.

Sec. 3. For collecting and paying over such delinquent tax, the treasurer shall be allowed to charge a penalty of three per cent. on such delinquencies, which shall be his compensation in full for such service.

Sec. 4. Each road district shall be entitled to draw from the treasury, the amount returned delinquent by the supervisor thereof, when collected, and the supervisor of the district for the time being, shall have full power and authority to draw the same on the auditor's warrant; and the money so drawn, shall be expended in the same manner as is provided in section eighty, chapter sixteen, of the Revised Statutes.

Sec. 5. The county auditor, when he makes out the road tax list for supervisors, shall add thereto the non-resident lands with the tax thereon, and if the owner or his agent fails to work out such tax in the district in which such land is situated, the supervisor shall return it with his delinquent list, to be collected and paid over to the supervisor, in the same manner as above prescribed.

Sec. 6. It shall be the duty of the supervisors of highways to call out the hands to work two days within the year, at such time as will be best suited for the permanent improvement of the roads in their districts.

Sec. 7. When it becomes necessary for a supervisor to make an assessment of road labor, in accordance with section eighty-one of chapter sixteen of the Revised Statutes of 1843, he shall have the same power to receive commutation money, and sue for and collect fines, as is given him by said chapter, in other cases.

Sec. 8. Any laws contravening the provisions of this act, be, and the same are hereby repealed, in Rush and Hancock counties, except the first section of an act entitled "An Act providing for opening and repairing roads and highways in Hancock county," approved January 15th, 1844.

Sec. 9. All special laws for working roads in Hancock county, except as herein excepted, are hereby repealed; and this act, and so much of chapter sixteen of the Revised Statutes of 1843 as does not conflict with this act, is hereby declared to be the law in the said county of Hancock.

Sec. 10. This act to be in force, in the counties of Rush and Hancock, from and after its publication.

CHAPTER XCVII.

An Act supplemental to an act entitled "An Act for the relief of Nathan Burchfield," approved February 11th, 1843.

[APPROVED JANUARY 19, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the auditor of State, be and he is hereby authorized and directed to issue his warrant on the treasurer of State, in favor of John Davis, clerk of the Parke circuit court, for the sum of one hundred and fifty-eight dollars and six cents, being the full amount of costs in suit determined in said court, at the February term thereof, 1842, between said Nathan Burchfield, plaintiff, and the said State of Indiana, defendant: *Provided*, The said costs be paid out of the first proceeds of the suspended debt, without interest.

Sec. 2. Upon the payment of said sum of money, by said treasurer, the said clerk shall enter satisfaction thereof upon the proper books of his office, and pay the same over to the proper persons, entitled to receive the same, for their fees in said cause.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER XCVIII.

An Act to incorporate the Richmond and Miami Railroad Company.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Daniel P. Wiggins, James E. Reeves, S. E. Perkins, W. W. Lynde, Robert Morrison, Eli Brown and William R. Foulke of the county of Wayne, and State of Indiana, and their successors in office, duly elected as hereinafter provided, are hereby constituted a body corporate and politic, by the name of "The President and Directors of the Richmond and Miami Railroad company," and by such name shall be capable to sue and be sued, plead and be impleaded, answer and be answered unto, either in law or equity in any court of competent jurisdiction within this State; and shall have power to make and use a common seal, and the same to alter at pleasure, and to make contracts, and enforce the same, and to establish and put in force such by-laws, rules and regulations as may be necessary to carry into effect the provisions of this act, not inconsistent with the constitution and laws of this State, and of the United States.

SEC. 2. The capital stock of said company shall be fifty thousand dollars to be divided into shares of fifty dollars each.

SEC. 3. The directors named in this act, or a majority of them, may meet at such time and place as they may agree upon, and organize said corporation by the election of one of their body as president; and after such organization, any members of said board shall constitute a quorum for the transaction of business.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendants, artists, and all other officers and persons necessary to carry into effect the objects of this act. They shall keep a journal of their proceedings, in which shall be entered all by-laws, rules and regulations, and all orders for the payment of such allowances as may be made to their officers and all others in their employ; which journal shall, from time to time, be read by the board, and, if found to be correct, signed by the president. They may sit on their own adjournments, or on the call of the president; when the president is absent they may appoint a president pro tempore. They shall fill all vacancies that may happen in their own body.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such time and at such place or places as they may choose, due notice of which shall be given in at least one newspaper published in the town or city where said books are proposed to be opened.

SEC. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of any State, or of

the United States, on behalf of the same, to subscribe for any amount of capital stock, and the books shall be kept open for any such space of time, and at such place or places as the corporation shall choose, and may be reopened at any time; and they may, by an agent, offer for sale in any other State any amount of stock upon such terms and conditions as may be thought advisable. They shall have power, on the credit of the corporation, to borrow money on such terms as may be agreed upon by the parties. The corporation may require such sum of money to be paid at the time of subscribing, not exceeding five dollars on each share, as they may think proper; but such requisition shall be made known by being inserted in the notice for opening the books, and any future payments on the stock shall be under the control of the corporation.

SEC. 7. As soon as twenty thousand dollars are subscribed for, and five dollars are paid on each share, it shall be the duty of the corporation to give three weeks' notice thereof in one or more newspapers; and in such notice appoint a time and place for the stockholders to meet and elect thirteen directors, who shall be stockholders, and said election shall be conducted by two judges appointed by the stockholders present; and the persons having a plurality of votes given and counted in public, shall be declared duly elected. No share shall confer a right to vote at any election unless the same shall have been held one month previous to the election; in all elections one share shall entitle the holder to one vote; and votes may be given by the person owning the same, or by one of any partners, or by the husband, father, mother, administrator or executor, trustee or guardian, or by the authorized agent of any corporation, State, or of the United States or any person having a right to vote, may vote by written proxy.

SEC. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body president; the president and directors thus elected shall continue in office until the next annual election, and until their successors are elected and qualified or organized.

SEC. 9. All elections after the first shall be held on the first Monday in January, annually, under the direction of three stockholders, not directors at the time, to be appointed by the board at a previous meeting, or by the stockholders present at the time of holding said election, and notice of said election shall be given in at least one newspaper: *Provided*, That if, from any cause whatever, there should be no election held on the day appointed by this act, or by the directors for the first election, it shall be lawful to hold the election on any other day.

SEC. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; they shall be signed by the president, and countersigned by the clerk. The stock shall be transferred on the books of the corporation, personally, or by agent or attorney, or by the administrator, executor, trustee or guardian;

but such stock shall be held at all times by the corporation for any dues from the holder thereof to the corporation, or for any sums that may thereafter become due on contract made prior to such transfer.

SEC. 11. The corporation shall have power to call for such portions of the stock subscribed, not exceeding twenty-five dollars on each share in any one year, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days' notice in some newspaper of general circulation where said stock is made payable, or by written notice given to the stockholders, in which shall be specified the amount demanded on each share, and the time and place of payment; if any stockholder shall neglect or refuse to pay any such requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due and called for, in any court of competent jurisdiction, and recover the amount due with ten per cent. damages for such detention; and if the amount cannot be made on execution, or if such delinquent is out of the State, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatsoever amount may have been paid thereon, and no such delinquent, before the forfeiture of the stock, shall have any right to vote for directors or recover any dividend on his, her, or their stock until the corporation is fully satisfied.

SEC. 12. The corporation, by their agents, shall have full power, from time to time to examine, survey, locate and construct a Railroad of a single or double track, commencing at the city of Richmond, in the county of Wayne and State of Indiana, and running on the best ground for the interest of the company and the public convenience eastwardly to the Indiana and Ohio State line, for the purpose of connecting with a railroad proposed to be made in the State of Ohio to the State line.

SEC. 13. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents, and persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, gravel, wood, or other materials necessary for the construction of said road; but no stone, gravel, wood, or other materials necessary for the construction of said road, shall be taken away from any land without the consent of the owner thereof, until the rate of compensation shall be ascertained and paid.

SEC. 14. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from the person or persons through whose land the same may pass, a relinquishment of so much of the land as may be necessary for the construction or location of said road, as also, the stone, gravel, timber, and other materials; and it shall be lawful for said corporation to receive, by donations, gifts, grants or bequests, land, money, labor, property, stone, gravel, or other materials for the benefit of said corporation, and all such contracts, relinquishments, donations, gifts, grants, and bequests made and entered into in writing, by any person

or persons capable in law to contract, made in consideration of such location, for the benefit of the corporation, shall be binding and obligatory; and the corporation may have their action at law in any court of competent jurisdiction, to compel the same: *Provided*, That all such contracts, relinquishments, donations, gifts, grants and bequests shall be fully and plainly made in writing, signed by the party making the same.

SEC. 15. That in all cases where any person through whose land the road may run, shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the county where the difficulties may occur, that such facts do exist, and such justice of the peace shall thereupon summon the owner of such land to appear before him on a particular day within ten days thereafter, and shall appoint twelve disinterested persons of the neighborhood, who shall, after taking an oath faithfully and impartially to assess the damages, if any, view the land or materials, and after having taken into consideration the advantages as well as the disadvantages the road may be to the same, and shall report thereon, whether such person is entitled to damages or not, and if so, how much; and shall file such return with such justice, whereupon said justice shall enter judgment thereon unless for good cause there shown; and in case either party should show suficient cause why judgment should not be entered, the justice may grant a review of the premises, either with or without costs: *Provided*, That either party may, at any stage of the proceedings, appeal to the circuit court of the proper county, as in other cases, and such court shall appoint reviewers as above directed, who may report at that or succeeding terms, in the discretion of the court, and the judgment of the circuit court shall be final.

SEC. 16. And in all cases where the owner or owners of such land or materials, shall be minors, insane persons, or reside out of the county where such lands may be, such justice shall cause three notices of the application made, and of the day fixed for the appointment of viewers, to be posted up in three of the most public places in the county, and if no person shall attend on the day named in said notice said justice shall adjourn the same until that day two weeks; at which time he shall proceed as if such person or persons had been duly notified to attend, and on such judgment being rendered, and the corporation complying therewith, by the payment of costs or damages awarded against them, the corporation shall be seized of the land or materials. Costs shall be allowed or awarded against either party at the discretion of the justice.

SEC. 17. That if it should be found necessary and advantageous to the location and construction of said road, the corporation shall have the right to lay the same along and upon any State or county road: *Provided, however*, That before such location shall be made the corporation shall make application to the county commissioners of the proper county for such right; and the said county commission-

ers are hereby vested with power to grant the same, by an order entered on their records: *And provided also*, That such right shall be granted on condition that the corporation shall [leave] a sufficiency of said State or county road in as good repair, for common use, as previous to such occupation.

SEC. 18. That when said corporation shall have procured a right of way as herein before provided, they shall be seized in fee simple of the right to said land, and shall have the sole use and occupation of the same; and no person, body corporate or politic, shall in any way interfere therewith, molest, disturb, or injure any of the rights and privileges hereby granted, or that would be calculated to detract from or affect the profits of said corporation.

SEC. 19. The corporation shall commence the construction of said Road any time within five years after the opening of the books, and from time to time, construct so much towards the point of destination as may be within the ability and to the interest of the company, and shall complete it within fifteen years from its commencement: *Provided*, That if the road should not be completed within the time aforesaid, the General Assembly may, for good cause shown, give further time for its construction: *Provided also*, If any part of said road shall be completed within the time aforesaid, in that case all the rights, privileges and benefits granted in this act, shall be extended to, and vested in said company to such part of said road as shall be completed.

SEC. 20. It shall be the duty of said corporation, wherever any State or county road, now established, shall cross or may hereafter cross the railroad, to make and keep in repair good and sufficient causeways, so that the free use of said State and county road shall not be obstructed; and in all cases where any person shall own land on both sides of said road, and there shall not be any causeway for a public road leading from one tract to the other, the owner of such lands shall have the right, free of charge, to cross the same, and to make such causeways as may be necessary for the convenience of said owner: *Provided*, That such owner of land shall not injuire or obstruct said road.

SEC. 21. That it shall be lawful for said corporation to place or prescribe the kind of carriages that may be used on said road, whether propelled by steam or other power, for the transportation of passengers, for all kinds of products, lumber, goods, wares and merchandize, or any other kinds of property, and for this purpose the corporation may construct said road with such turns, gates, bridges, acqueducts, culverts, toll and ware houses as may be considered necessary for the interests of the company and convenience of the public; and the corporation may charge tolls and freights on such part of the road as may be in a sufficient state for travel, although the whole be not finished; and they may charge for travel and transportation on the same, when it is graded and bridged, although the rails may not be laid so as to admit carriages thereon.

SEC. 22. The corporation may charge and receive such tolls and

freights for the transportation of persons, commodities and carriages on said road, or any part thereof as shall be for the interest of said company, and to charge, lower, or raise at pleasure: *Provided*, That the rates established from time to time shall be posted in some conspicuous place or places on said road.

SEC. 23. That when the aggregate amount of dividends declared shall amount to the full sum invested and ten per centum per annum thereon, the Legislature may so regulate the tolls and freights that not more than fifteen per centum per annum shall be divided on the capital employed, and the surplus profits, if any, after paying the expenses and receiving such proportion as may be necessary for future contingencies, shall be paid over to the treasurer of State, for the use of common schools, but the corporation shall not be compelled by law to reduce the tolls and freights so that a dividend of fifteen per centum per annum cannot be made; and it shall be the duty of the corporation to furnish the Legislature, if required, with a correct statement of the amount of expenditures and the amount of profits after deducting all expenses; which statement shall be made under the oath of the officer, whose duty it shall be to make the same.

SEC. 24. Semi-annual dividends of so much of the profits as the corporation may deem expedient shall be made on the first Monday in December and July, annually, unless the directors fix on a different day, and pay the stockholders as soon thereafter as they can with convenience, and no dividends shall be made to a greater amount than the net profits after deducting all expenses; and the directors may retain such proportion of the profits as a contingent fund to meet subsequent expenses as they shall deem proper.

SEC. 25. That if any person or persons shall knowingly and wilfully injure or obstruct said road, or any part thereof, or shall break, destroy or deface any work, edifice, device, toll, or ware-house belonging thereto, such person or persons so offending, shall pay to the corporation five times the amount of damages actually done, with costs of suits, to be recovered by the corporation before any court having competent jurisdiction: *Provided*, That all actions commenced by the corporation for the recovery of damages, shall be commenced within six months from the time such cause of action occurred and not after.

SEC. 26. It shall be lawful for the county commissioners for the county through which the road passes, for and on behalf of such county, to authorize by an order, as much of the stock to be taken as they may think proper, at any time within five years from the opening of the books.

SEC. 27. It shall be the duty of the corporation to cause a full statement of the affairs of the company to be made and exhibited to the stockholders at any annual election, or at any other general meeting of the stockholders.

SEC. 28. Any number of the stockholders, owning one-third of the stock, may call a general meeting of the stockholders by giving

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four weeks' notice thereof, in which specifying the object of the call, and a majority of the stockholders being represented, they may make such order, relative to the concerns of the company, as a majority may determine.

Sec. 29. The corporation may, by contract, admit the intersection with said road with any other rail road, turnpike, or any other road, or collateral road.

Sec. 30. The State, in time of war, shall have the right to transport troops, munitions of war and provisions, free of toll, on said road.

Sec. 31. Should the capital herein granted not be sufficient to accomplish the intended work, the corporation may increase the same and the stockholders may, at any general meeting, reduce the number of directors to any number not less than five.

Sec. 32. That when the road is located, it shall be the duty of the corporation to cause a plat of the same to be deposited in the office of the Secretary of State, and from and after that time, it shall not be lawful for the said corporation to alter or change any part of the said location, unless said corporation pays the owner, or owners, of lands on such changed route, the amount of damages they may sustain by such re-location.

Sec. 33. That if said road, after its completion, shall be suffered to go into decay, or be impassable for one year, unless when the same is repairing, this charter shall be taken and considered as forfeited.

Sec. 34. The corporation shall in no case, directly or indirectly, engage in any kind of trade, or deal in merchandize, other than such as may be necessary to carry into effect the objects contemplated by this act; nor shall said corporation, under any pretence whatever, enter into banking business, for the purpose of receiving deposites, making discounts, or issuing bills of credit, or bills or receipts of any description, to pass as a circulating medium.

Sec. 35. The corporation shall cause to be kept a fair record of the whole expense of making and repairing said rail road, and of each section thereof, with all the incidental expenses, and also a fair account of the tolls received; and the State shall have the right to purchase the stock of said company, at any time after twenty-five years, by paying to said corporation a sum of money, which together with the tolls received, shall equal the cost and expense of said rail road, as aforesaid, with an interest of ten per centum per annum; and the books of said company shall always be open for the inspection of any agent of the State, appointed for that purpose, by the legislature, and upon any refusal to exhibit their books and accounts to said agent, upon request made to the president, all powers granted by this act shall cease.

Sec. 36. The directors of said company that shall contract any debts, over and above the amount of good and solvent stock subscribed, shall be individually liable for the payment of such excess; and the legislature reserves the right to alter or amend this charter at any time, and to repeal the same, whenever its provisions shall have been violated by said company.

Sec. 37. This act shall take effect and be in force from and after its passage, and shall be deemed and taken to be a public act.

CHAPTER XCIX.

An Act to amend an act entitled "An Act to incorporate the Buffalo and Mississippi Rail Road Company," approved February 6th, 1835.

[APPROVED JANUARY 6, 1846.]

Whereas, By the 13th section of said act, it is required that the route of said road shall extend westwardly, in a direction towards the rapids of the Illinois river, in the State of Illinois; And Whereas, it is represented to this General Assembly, that it is important for the interests of said company, and to the public, that said road should diverge from that route, in a direction towards Chicago; in said State of Illinois: Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That said company be, and they are hereby authorized, to extend the route of said road westwardly, from the town of Laporte, in Laporte county, by the way of Michigan City, in said county, to the western line of said State, on the best ground and in the most suitable direction towards Chicago, in the State of Illinois.

Sec. 2. Said company is hereby authorized to enter into any mutual contract with any company, or companies, now incorporated, or hereafter to be incorporated, within the States of Ohio and Illinois, or either of them, by which the portions of said road, within the States of Ohio, Indiana and Illinois, forming together a continuous line from the Maumee Bay, in Ohio, to Chicago, in Illinois, or the portion in Indiana and either of the other States, shall form one road, to be known by one common name, and by which the capital stock of each and all, or any two of said companies, shall become merged and consolidated into one joint and common stock, equal in amount to the capital of each and all of said several companies, or such two of them as shall enter into such contract, and so that the stockholders in said consolidated company, shall have one common seal, president, and board of directors, which common board of directors shall consist of not more than twelve, or less than five; and said company, when so consolidated, shall possess and enjoy all powers, rights, privileges, immunities and franchises, granted to, or vested in said Buffalo and Mississippi Railroad Company, by said original act of incorporation, and all amendments thereto.

Sec. 3. Should such consolidation take place, and a new name be adopted by said consolidated company, such new name shall be-

come, to all intents and purposes, the corporate name of said company, when and after a notice thereof shall have been filed in the office of the secretary of State of the State of Indiana.

Sec. 4. In case any portion of the capital stock of said company, or of said consolidated company, should such consolidation take place, may be, at any time, owned by any person or persons who may at such time be non-residents of this State, but residents and citizens of some other State of the United States of America, then, and in such case, a number of the directors of said company, or of said consolidated company, bearing nearly the same proportion to the whole number of directors, that the stock owned by such citizens and residents of such other State or States, bears to the whole stock of said company, be residents and citizens of such other State or States, any thing in the sixth section of said original act of incorporation to the contrary notwithstanding: *Provided*, That the number of non-resident directors shall never, at any one time, exceed one-half of the whole number of directors.

Sec. 5. Said Buffalo and Mississippi Railroad Company, or said consolidated company, should such consolidation take place, are hereby authorized to construct a branch of said road from said town of Laporte, Goshen, South Bend or Michigan City, southwardly, to the town of Lafayette, in the county of Tippecanoe, and thence to the west line of said State of Indiana, in a direction towards St. Louis, in the State of Missouri, on the best ground for the interests of said company; and for that purpose they are authorized to increase the capital stock of said company, by any sum not exceeding two millions of dollars; and in the location, construction and management, of said branch road, and every thing connected therewith, said company shall be governed by the same regulations, so far as the same are applicable, prescribed in, and shall be fully vested with and enjoy all the powers, rights, franchises, privileges and immunities, granted by said original act of incorporation, and the amendments thereto, in the same manner as if said branch road constituted an integral part of the original and main line of said road.

Sec. 6. Said company shall commence the construction of said branch road, within four years from this time, and shall complete the same, with a single track, to said town of Lafayette, within four years thereafter, otherwise all the rights and privileges relative thereto, hereby granted to said company, shall be forfeited; but should any part of said branch road be completed within such time, the part so completed, and the rights and privileges hereby granted, shall survive to said company, as to the part so completed.

Sec. 7. In case said company shall commence the main line of said road, within two years from this time, and complete the same, with a single track, through the State of Indiana, within five years from this time, then, and in such case, no charter shall be granted to any other company, to construct any other road or roads in the vicinity thereof, which would materially diminish or interfere injuriously with the profits of said road, within *ten* years thereafter, without the

consent of said company; and in case said company shall complete said branch road, within eight years from this time, in like manner, to said town of Lafayette, then, and in such case, no other charter shall be granted to any other company, to construct any other road or roads, in the vicinity of said branch, which would materially interfere with or diminish the profits of said branch, within ten years thereafter, without such consent.

Sec. 8. In case said company shall become consolidated with any other company or companies, provided for in this act, the act of consolidation shall of itself render such company or companies, so consolidated, or any company formed under the provisions of this amendment, liable for all debts of said Buffalo and Mississippi Railroad Company, incurred before such act of consolidation.

Sec. 9. That in the permanent location and establishment of the rail road, authorized by the original charter, to which this is an amendment, the same shall be located, established and constructed to and through the county towns of the counties of Steuben, Lagrange, Elkhart, St. Joseph, Laporte, and also to Michigan City, in the county of Laporte.

Sec. 10. The acceptance of any part of the amendment, provided for by this act, shall be an acceptance of the whole.

Sec. 11. The privileges granted in the fifth section of this act shall not be enjoyed by said company, or any company or companies formed or consolidated under the provisions of this act, unless the main line of said road shall be constructed.

Sec. 12. This amendment, like said original act of incorporation and all former amendments thereto, is hereby made and declared to be a public act, and it shall be in force from and after its passage.

CHAPTER C.

An Act to amend an act entitled "An Act abolishing the office of County Auditor in certain counties therein named," approved January 15th, 1844.

[APPROVED JANUARY 19, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the compensation allowed the auditor of Union county for "all his services," in the seventh section of the act to which this is an amendment, shall be construed to mean all his services as clerk to the board of commissioners, his services in the revenue and trust funds of the county, his services in examining and transfering deeds and all other services, either to the county or any individual thereof, required of him by law as such auditor.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CI.

An Act regulating the jurisdiction of Justices of the Peace, in the county of Miami.

[APPROVED DECEMBER 31, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all civil cases, the inhabitants of Miami county shall be held to answer any and all process issued against them by any justice of the peace of said county, in any township where the contract on which such action may be founded, was made, or the cause of action arose.

SEC. 2. That so much of the fourth section of the forty-seventh chapter of the Revised Statutes, as contravenes the provisions of this act, be and the same is hereby repealed, so far as Miami county is concerned.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CII.

An Act to amend an act relative to the School Fund of Lagrange county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the duties heretofore required of the county auditors, and county treasurers of Lagrange county, in relation to the trust funds of said county, to-wit: the surplus revenue fund, the congressional school fund, and all other school funds now existing, or which may hereafter arise or become due, for the support of common schools in said county, shall in all things relating thereto, be performed by the school commissioner of said county, excepting such part of said auditor's duties as are prescribed in article fourth of this act; and that said school commissioner, and his successors in office, shall discharge the said duties in the same manner, and be subject to the same liabilities, and entrusted with the same powers that are by law now required of and conferred upon the said county auditor and treasurer.

SEC. 2. It shall be the duty of said auditor of said county of Lagrange, to deliver over to said school commissioner, all books and papers in his hands relating to said trust funds, excepting such books as may be necessary to enable him to perform the duties enjoined upon him in article fourth of this act.

SEC. 3. It shall be the duty of said school commissioner, and of

his successors in office, before entering upon the duties prescribed in section 1st of this act, to enter into additional bonds, payable to the State of Indiana, for double the amount of such trust funds, as may come into his hands by virtue of this act, conditioned for the faithful performance of all the duties now enjoined upon the said county auditor and treasurer in relation to said trust funds, excepting such as are still required to be performed by said auditor, in section fourth of this act.

SEC. 4. To enable the said county auditor to keep proper accounts of said trust funds, it shall be the duty of said school commissioner to make detailed reports on the first Mondays of March, June, September and December, in each year, or within five days thereafter, of all moneys by him received during the three months preceding, of both principal and interest, showing by whom paid and for what purpose, and the particular fund to which such belongs, each of which said receipts shall be separately numbered and registered by both the said auditor and the said school commissioner, on the same books, and in the same manner as is provided by law for registering the receipts of the congressional school fund; and in all cases of making loans of the principal or disbursements of interest of said trust funds, the said county auditor shall still continue to draw his warrants upon the said school commissioner, on the application of said commissioner for that purpose, in the same manner as is now prescribed by law for issuing such warrants, for which service the said auditor shall be allowed the same compensation now allowed by law for issuing county orders, and for keeping a register of the receipts of the county treasurer.

SEC. 5. The said school commissioner shall be allowed the same compensation for the duties required of him by this act, as the county auditor and county treasurer are now allowed by law for the same services.

SEC. 6. The said county auditor shall at the June and December terms of the board of county commissioners of said county, annually lay the reports of the said school commissioner, mentioned in section four, before the said board, who shall carefully examine and compare the same with the books of the said school commissioner, and county auditor, and see that the settlements now required by law, are promptly made by the said commissioner and auditor.

SEC. 7. This act to take effect and be in force from and after the first day of March next.

CHAPTER CIII.

An Act for the relief of the securities of William Johnson, late Collector of Sullivan county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all further proceedings on two several judgments in the Sullivan circuit court, one in favor of the State of Indiana, on the relation of Morris Morris, and the other in favor of said county of Sullivan, against Joseph W. Briggs, Isaac Beauchamp, Peter Johnson, William R. Hadden, William Dixson and M. E. Nash, be and the same are hereby stayed for the term of one year from and after the passage of this act; and in case said defendants shall then pay one-fourth of the amount due upon such judgments, and the balance of said judgments in three equal annual instalments, in one, two and three years thereafter, no further proceedings shall be had thereon.

SEC. 2. In case any writ or writs of execution shall have issued, or shall hereafter issue upon said judgments, or either of them, it shall be the duty of the officer executing such writ or writs, to make the money due thereon in equal proportions from each of said defendants, if sufficient property can be found subject to execution, from which to make the same, and in case sufficient property subject to execution, of any one or more of said defendants cannot be found, to make the equal proportion of such defendant or defendants, of such judgment or judgments, then, and in that case, such officer, after the sale of all property of such defendant or defendants, last aforesaid, subject to execution, shall make the balance due on such writ or writs, in equal proportion from the other defendants thereto.

SEC. 3. This act shall be in force and take effect from and after its passage, and the filing of a certified copy thereof in the office of the clerk of the Sullivan circuit court.

CHAPTER CIV.

An Act for the relief of Benjamin H. Scott of Miami county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board doing county business of the county of Miami, upon being satisfied of the present security thereof, or upon sufficient security being given, are hereby empowered and required to

suspend all further proceedings, at whatever stage, upon certain debts owing from Benjamin H. Scott, of said county, for principal and interest of surplus revenue or school fund moneys, belonging to said county, for the term of three years from and after the first day of January, A. D. 1846, and that they shall have full control of the same for this purpose: *Provided, however*, That in case of the loss of any portion of either of said funds, on account of any action of said board of commissioners, whereby the fund is so lost for want of sufficient security, that in such case the said board of commissioners shall be liable and responsible for the amount so lost, to be recovered by an action of debt, in any court having competent jurisdiction thereof.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CV.

An Act to locate a State Road in Warren and Fountain counties.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Charles C. Collins of the county of Warren and Jacob Young of the county of Fountain, be and they are hereby authorized to procure such aid as may be necessary to locate, as soon as practicable, a State road in the aforesaid counties, as follows: commencing at Independence, in Warren county, Indiana, thence to Charles C. Collins', thence to the dwelling of Charles Roub, thence to the crossing of the Wabash river at a certain point known as Clark's ford, thence intersecting the Attica and Lafayette State road at a canal bridge crossing the Wabash and Erie canal near the town of Fulton, in Fountain county, Indiana; said commissioners, for the services above contemplated, shall be allowed a reasonable compensation, to be paid equally by the counties of Warren and Fountain.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CVI.

An Act to locate a State Road in the counties of Huntington, Whitley, and Wabash.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That William Westover, of the county of Huntington, John Simonson, of the county of Wabash, and George Stutts, of the county of Whitley, be and they are hereby appointed commissioners to view, mark and locate a State road, commencing at the point where the Goshen road crosses the line between townships numbers twenty-nine and thirty north, of range eight east, and on the line between the counties of Whitley and Huntington, running thence west on said township line, or as near thereto as may be practicable, until it intersects the bridge at the crossing of Eel river, near the town of North Manchester, in the county of Wabash.

SEC. 2. The said commissioners shall meet on the first Monday in May next, at the point of commencement above described, or as soon thereafter as may be convenient, and after taking an oath faithfully to discharge their duties, shall proceed to lay out and mark said road, and in all things pertaining thereto shall be governed by the laws now in force, relative to laying out roads and highways.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER CVII.

An Act to locate a State Road in the counties of Whitley, Noble and Kosciusko.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Stephen Martin, jr., of the county of Whitley, Joseph Galloway, of the county of Noble, and John Blain, of the county of Kosciusko, be and they are hereby appointed commissioners to view, mark and locate a State road, commencing at the centre of the Millford and Fort Wayne State road where it crosses the north line of Stephen Martin's land, in section two, in township thirty-two north, of range eight east, in the county of Whitley, thence in a north-westwardly direction on the county road running in that direction on the county line between Noble and Whitley counties, thence west on said

county line, as near as practicable, to the north-west corner of Whitley county, thence in a westwardly direction, on the nearest and best route, to the town of Oswego, in the county of Kosciusko.

SEC. 2. The said commissioners shall meet at the house of Stephen Martin, in Whitley county, on the first Monday of May next, or as soon thereafter as convenient, and after taking an oath faithfully to discharge their duties as commissioners, shall proceed to view, mark and locate the said road, and shall be governed in all things by the laws now in force for laying out roads and highways.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER CVIII.

An Act transfering the duties of the Agent of the Surplus Revenue Fund in Scott county to the School Commissioner of said county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the duties now required by law to be performed by the agent of the surplus revenue fund, in the county of Scott, are hereby transferred to the school commissioner of said county, and said agent is hereby required to deliver over to said school commissioner all moneys, books, papers and other things appertaining or belonging to said fund.

SEC. 2. It shall be the duty of the school commissioner, of said county, to give bond and security in the same amount and with the same condition as is required of other persons having the loaning of said fund, by the Revised Laws of 1843; and said commissioner shall be governed, in the management of said fund, by the provisions of the Revised Laws of 1843, so far as the same are applicable.

SEC. 3. Should said agent fail or refuse to comply with the provisions of this act, or if he should in any manner have become liable on his official bond, it shall be the duty of the prosecuting attorney of the proper circuit, to prosecute him and his securities upon his official bond, for such neglect, refusal or liability.

SEC. 4. This act shall take effect and be in force from and after the filing of the bond required of said school commissioner by the provisions of this act.

CHAPTER CIX.

An Act to incorporate the town of Port Fulton, in Clark county.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Moody Dustin, Uriah Edwards, William Logan, William McConnaughey, and William French be and they are hereby appointed Trustees of the Town of Port Fulton, in the county of Clark, to serve as such until the first Monday in May, 1846, and until their successors are elected and qualified as hereafter directed.

SEC. 2. That the Trustees aforesaid, at their first meeting under this act, shall elect a President from their own body, whose duty it shall be to preserve order, and put all questions before them, and, upon equal division of the board, give the casting vote, and at the close of each meeting shall sign the minutes of the same; and said trustees shall also, at their first meeting, appoint officers necessary to carry into effect the provisions of this act, and make such compensation to such officers as the majority of the board may deem reasonable.

SEC. 3. That the said president and trustees of said town of Port Fulton, and their successors in office, shall be and they are hereby declared to be a body politic and corporate, with perpetual succession, by the name and style of the President and Trustees of the town of Port Fulton, and by their corporate name shall be capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any court having competent jurisdiction; and shall have power to make, have, and use a common seal, and the same to alter, amend, and break at pleasure; to ordain, establish, and put into execution and carry into effect such by-laws, rules, ordinances, and regulations necessary and proper for the benefit, convenience, good government, and police of said town.

SEC. 4. That the said president and trustees, or a majority of them shall have power to lay off said town into as many wards as said president and trustees may deem necessary, should they deem it expedient to do so; and on the first Monday of May, annually, there shall be an election, at some convenient place in said town, to be designated by said president and trustees, to be elected by ballot five trustees for said corporation, at which election each white male citizen of said town who shall have the qualifications of a voter for State and county officers, and shall have resided in said town three months next preceding such election, shall be entitled to vote at the same, ten days' previous notice of which election shall be given by the president and trustees aforesaid, by public notice in some newspaper printed in said county, or written notices, set up in three of the most public places in said town, designating the time and place of holding such election.

SEC. 5. It shall be the duty of the president to sign all laws, ordinances, and decrees of a public nature, and also sign the records of all by-laws, and journals, and minutes of their proceedings; and at the first meeting of the president and trustees, after taking effect of this act, and after each annual election, as soon as may be convenient, they shall elect or appoint a clerk and treasurer, and also a marshal of said incorporation, should they think it expedient to do so, each of whom shall serve one year, and until their successors shall be ehosen and qualified, and shall possess the qualifications of voters, and take a similar oath of the trustees, give bond and security, payable to said president and trustees, conditioned for the faithful discharge of their duties, respectively; and on failure to perform all or any of the conditions of said bond, they shall be liable to the suit of the president and trustees aforesaid, on said bond, or against them and their security, who may assign breaches upon conditions of said bond, and recover a judgment for any default in the discharge of the duties of such officers, together with full costs of suit, and ten per centum damages, if suit be brought for the non-payment of any sum of money due said corporation, in any court having competent jurisdiction, and on which judgment there shall be no stay of execution.

SEC. 6. The president and trustees shall have power to levy annually and collect a tax on real property, within the plat of said town, not exceeding one-half per centum on its valuation, including improvements; and on all shows and amusements which may be exhibited for gain, not less than two nor more than ten dollars for each exhibition; and may levy a tax on each special article or articles of personal property, a poll tax on each qualified voter, not exceeding fifty cents.

SEC. 7. The president and trustees shall have power to pass such laws and ordinances or decrees as may be necessary to guard against damages by fire, to organize fire companies, and govern the same, to regulate the duty and conduct of the citizens of the town in relation thereto, to regulate and govern the markets, to prevent the erection of public nuisances in the town, and remove the same, to sink and keep in repair public wells, and shall have the sole and exclusive power and authority to keep in repair all necessary streets, alleys, and drains, and pass regulations necessary for the same, agreeable to the plan of said town, and generally to enforce, by proper penalty, the observance of all laws and ordinances relative to the police and government of said town.

SEC. 8. The limits of said town shall, for the purposes of taxation and police, extend to and embrace the plat of said town of Port Fulton, including the out-lots, (should the said president and trustees think it expedient.)

SEC. 9. The president and trustees, in the month of May of each year, shall appoint an assessor, who shall take an oath of office, after which he shall proceed forthwith to make a fair list, in alphabetical order, of all persons subject to taxation, together with such property as the president and trustees may direct him to list, of all lots and fractions of lots, particularly noting the number and frac-

tions or descriptions thereof, the owner's name, if known, and whether resident or non-resident; and after having completed such list, he shall take to his assistance two freeholders, who having taken a like oath or affirmation as the assessor, faithfully and impartially to value the real property directed to be assessed as aforesaid, shall, with the assessor, proceed to value the same, and such assessor shall, on or before the fifteenth of June next succeeding, make return of such assessment to the clerk of the corporation.

Sec. 10. The president and trustees shall, in the month of June in each and every year, levy a tax on the property so assessed and returned by the assessor, and appoint a collector to collect the same, who shall take an oath of office; give bond and security, to be approved of by the president and trustees, conditioned that he will faithfully discharge his duty, and pay over to the treasurer of said corporation all the money that may come into his hands as such collector, and shall hold his office one year, unless sooner removed.

Sec. 11. The president and trustees shall cause the clerk to make out a fair copy of such assessment list, setting forth the amount of tax charged on each poll, and each item of property, and shall deliver the same to the collector, on or before the fifteenth day of July, annually, and certify the amount of tax contained in such duplicate to the treasurer; such duplicate, so put into the hands of the collector, certified by the president, and certified by the clerk, shall be sufficient authority for the collector to collect the taxes charged thereon.

Sec. 12. It shall be the duty of the collector to receive the amount of taxes due from each individual, on or before the first day of October in each year, and in all cases where the taxes assessed are not paid by that time, by any individual, it shall be the duty of the collector to proceed to collect the same by distress and sale of any of the personal property of such delinquent, (subject to execution by the laws of the State,) by giving ten days' notice of the time and place of such sale, by advertisements set up in three of the most public places in the town.

Sec. 13. In all cases where the taxes due and owing cannot be made of the goods and chattels of such delinquent, it shall be the duty of the collector to make sale of the lots or fractions of lots belonging to such person, or so much thereof as will pay the tax and cost due, by giving three weeks' notice of such sale in some weekly newspaper, published in the said county of Clark, (and should there at any time be no paper published in said county of Clark, the president and trustees shall direct such notice to be published in some paper published in this State,) in which notice he shall particularly describe the lot or lots to be sold, by their proper number, or by some certain description, with the owner's name, if known, or the person's name to whom it is supposed to belong. The collector shall, on the day of sale, by proclamation, proceed to sell the lot or lots to the highest bidder, or to the person who will pay the tax and cost due, for the smallest portion of the lot or lots, and shall give the purchaser thereof a certificate of such purchase, setting

forth its number, the quantity sold, its situation or locality, the amount paid, including tax and costs, and that such person will be entitled to receive a deed for the same, at the end of two years, unless the owner shall redeem the same on or before that time, by paying to such person, his heirs, or assigns, the amount of the purchase money, with fifty per cent. per annum thereon, or deposite the amount with the clerk of the corporation. The collector shall be allowed a fee of fifty cents for each sale and certificate, including printing. At the expiration of such period of two years, the collector then in office shall make the purchaser of such lot or lots, or fractional lots, as have not been redeemed by the owners thereof, a deed or deeds thereto, which shall vest the purchaser or purchasers thereof with a fee simple interest therein.

Sec. 14. It shall be the duty of the collector to make return of his proceeding and the sales made, to the clerk of the corporation, on or before the first day of November, annually, and pay over to the treasurer all money by him collected, at which time he shall furnish a list of delinquents, and shall receive a credit if deemed correct.

Sec. 15. All bonds given by the corporation, and all contracts entered into with the corporation, shall be in the name of the "President and Trustees of the town of Port Fulton," and all suits commenced for the benefit of the corporation, or where the corporation shall be the defendant, shall be in the name of the "President and Trustees of the town of Port Fulton," without setting forth the name of any member thereof.

Sec. 16. For the better government of the town, the president and trustees are hereby authorized to pass and adopt laws and ordinances for the suppression of immorality, intoxication, rioting, or whatever else may detract from the peace and good order of the society of said town, and for the purpose of carrying into effect the provisions of this act. The President and trustees are hereby authorized to appoint a marshal, who shall, within the bounds of said corporation, be a peace officer; and in the service of all process within the bounds of said corporation, in which said corporation may be a party, the marshal shall have the same authority and be subject to the same responsibility as a constable.

Sec. 17. All laws and ordinances passed by the president and trustees, of a public nature, shall be published by setting up written or printed copies thereof in three of the most public places in the corporation, ten days before the same shall be in force. And it shall be the duty of the said president and trustees to fill all vacancies that may occur in the board. They shall cause a full statement of the receipts and expenditures of the past year, annually, on the first day of March, to be posted up in three of the most public places in said town.

Sec. 18. This act to take effect and be in force from and after its passage.

CHAPTER CX.

An Act extending the first and third sections of an act regulating the granting of licenses in the counties of Rush, Shelby, Spencer, Harrison, Warrick, Greene, Union, Dubois, Switzerland, Marshall, Cass and Gibson.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the benefits of the first and third sections of an act entitled "An Act regulating the granting of licenses in the counties of Rush, Shelby, Spencer, Harrison, Warrick, Greene, Union, Dubois, Switzerland, Marshall, Cass and Gibson," approved February 2d, 1843, be and the same are hereby extended to the county of Delaware.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXI.

An Act to provide for the erection of a Bridge across the Wabash and Erie Canal.

[APPROVED JANUARY 19, 1846.]

WHEREAS, The bridge across the Wabash and Erie Canal, on Main street in the town of Lafayette, is entirely dilapidated and unfit for use; AND WHEREAS, the public good and general convenience require the erection of a suitable bridge over the canal, on said street: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Thomas Rogers, John McCormack, and such others as may assist them, be and they are hereby authorized, at their own expense, to remove the timbers and abutments of said bridge, and to erect in its stead a good and substantial draw or pivot bridge, sufficient for the crossing of all wagons and other vehicles.

SEC. 2. Said bridge shall be so constructed as not to impede the navigation of said canal, and shall be a free bridge.

SEC. 3. Should any person trespass on said bridge, when constructed, by cutting, defacing, or in any manner destroying the same, he shall, upon conviction in the proper circuit court, be fined in any sum not less than ten dollars.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CXII.

An Act to amend an act entitled "An Act to provide for the collection of debts due from the Lawrenceburgh and Indianapolis Railroad Company," approved January 12th, 1845.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the privilege of payment of the debts remaining due from the mortgagors, to the Lawrenceburgh and Indianapolis Railroad Company, in the manner prescribed in the act, entitled "An Act to provide for the collection of the debts due from the Lawrenceburgh and Indianapolis Railroad Company," approved January 20th, 1842, be and the same is hereby extended until the first day of January, 1847, on the following condition: that the said mortgagors asking such delay, shall give security to the satisfaction of the auditor and treasurer of State, for the payment of their respective debts, at the time above specified, with all interest due thereon; that if such security is not given within sixty days after the passage of this act, the treasurer of State shall proceed to sell such delinquent mortgages in the manner, and for the payments to be made, as in the act to which this is an amendment provided.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXIII.

An Act to locate a State Road in Shelby county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the county road as is situated between a point one-half mile north of the town of Freeport, on the road leading to Kern's mill, and a point in the Franklin and Greenfield State road, near the crossing of Sugar creek, be and the same is hereby declared a State road.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXIV.

An Act to legalize the acts of the Probate Judge of Tippecanoe county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all acknowledgements of deeds, mortgages, and other instruments of writing, taken by and before said probate judge, be and the same is [are] hereby legalized and rendered valid, to all intents and purposes, as though the said judge had been authorized by law to take such acknowledgements.

SEC. 2. Said probate judge shall have full power and authority, hereafter, to take acknowledgements, and certify deeds, mortgages, and other instruments of writing, to the same extent as justices of the peace are now by law authorized to take acknowledgements, for which he may charge and receive the same fees as justices do, for the same services.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CXV.

An Act to authorize Joshua Small and Ephraim Overman to erect a mill dam across the Mississineway river.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Joshua Small and Ephraim Overman, of the county of Grant, and State of Indiana, be and they are hereby authorized to erect a mill dam across the Mississineway river, at or near the mouth of Back creek, in Grant county, Indiana, abutting on each side of the river the land of the said Small and Overman, in section thirty-three in township twenty-four north, of range eight east.

SEC. 2. The said Joshua Small and Ephraim Overman shall be allowed to construct said dam four feet high, with the exception of fifty feet in the middle of said dam, which said fifty feet shall not exceed in height three feet, so as to admit the free passage of boats, and other water craft, in a navigable state of the river.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CXVI.

An Act repealing a part of an act entitled "An Act declaring the Mississineway river a public highway," approved January 13th, 1844.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of an act entitled "An Act declaring the Mississineway river a public highway," approved January 13th, 1844, as relates to that part of said river which runs between range nine and range fifteen east, be and the same is hereby repealed.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXVII.

An Act for the relief of Elizabeth Preston.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bonds of matrimony heretofore existing between Roscoe E. Preston and Elizabeth Preston, be and the same are hereby dissolved.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXVIII.

An Act appointing Commissioners to make partition of the real estate of Stephen S. Collett, late of Vermillion county, deceased.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Farrington, of the county of Vigo, Joseph Moore, of the county of Vermillion, and Jesse Tomlinson, of the county of Warren, be and they are hereby appointed commissioners, to act jointly with such commissioners as may be appointed by the

legislature of the State of Illinois, to make partition of the lands of Stephen S. Collett, late of Vermillion county, deceased, amongst the heirs of said Collett.

SEC. 2. The said commissioners, or any two of them, are hereby authorized and empowered to meet such commissioners as may be appointed in said State of Illinois, at such time and place as may be agreed on, either in the State of Illinois or in the State of Indiana, and upon a satisfactory examination of the lands of said Stephen S. Collett, in each of said States, to make partition of the whole of said lands, according to right and justice, amongst the heirs of said Collett.

SEC. 3. The said commissioners shall, before they enter upon the duties aforesaid, take an oath before any officer authorized to administer oaths, within this State, that they will impartially, faithfully and honestly discharge their duties, as such commissioners, which oath shall be reduced to writing, and certified by said officer, and shall be, by said commissioners, returned with their report hereinafter provided for.

SEC. 4. Whenever said commissioners shall make partition of the lands aforesaid, they shall make report thereof to the circuit court of Vermillion county, in this State, under their hands and seals, and under the hands and seals of such commissioners as may be appointed by the legislature of the State of Illinois, which report, when confirmed by said court, shall be spread upon the order book of said court, and shall have the same force and effect as the report of commissioners authorized to make partition of real estate, by the law now in force.

SEC. 5. If any of the lands of said Stephen S. Collett shall lie in any other county in this State, than the said county of Vermillion, the heir to whom the same shall be set off by the said commissioners, may take a transcript from the record of said proceedings, in the circuit court of the said county of Vermillion, and file the same in the recorder's office of the county in which said lands may lie, which shall be recorded by said recorder, and when so recorded shall, to all intents and purposes, convey the title of said land to such heir, and have the same force and effect as the original report of said commissioners, in the said county of Vermillion.

SEC. 6. The said circuit court of Vermillion county shall make a just and reasonable allowance to each of said commissioners, for their services, under the provisions of this act, which shall be paid, in equal portions, by the heirs of said Collett.

SEC. 7. This act shall take effect and be in force from and after its passage.

CHAPTER CXIX.

An Act authorizing the recording of a Road in Steuben county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the proper officer of Steuben county be and he is hereby directed to record the following described road, in the same manner as other roads, to-wit: Commencing at the north-east corner of the west half of the south-east quarter of section five, range twelve east, township thirty-seven north; thence, running a south-eastwardly direction, in the township of Jackson, in Steuben county, through the lands of William Carver, George Wyrick, Asher Bennedict, Jonas Twitchell, Mary Roberts, D. H. Roberts, Madison Marsh, and Samuel B. Jackson, ending by forming a junction with the Defiance road, at the house of Samuel B. Jackson, on section fifteen of township thirty-seven, aforesaid; and that said road, when so recorded, shall be considered a public highway, as fully as if the same had been recorded at the time required by law.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXX.

An Act giving the right to the voters of Marion county to decide as to authorizing licenses to retail spiritous liquors in their townships.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter it shall not be lawful for the board doing county business in the said county, to grant any license to retail spiritous liquors in any township in said county, unless a majority of the qualified voters of such townships are in favor of such license being granted.

SEC. 2. That for the purpose of ascertaining the wishes of the voters aforesaid, relative to the granting of licenses in the various townships of said county, it shall be lawful for said voters, on the first Monday in April next, at the annual township elections in said county, to vote by ballot for or against the granting of such license, in the townships where such voters reside.

SEC. 3. That for the purpose of taking the vote upon the question aforesaid, each and every voter, at the said election, may endorse, in writing, upon the back of his ballot, or ticket, given at the said

election, if in favor of the license being granted in the township in which he resides, the word "License," in a legible manner; and if the said voter is opposed to license being granted, as aforesaid, he may endorse upon his ballot, the words "No license."

SEC. 4. And the judges and inspectors of the said elections shall count the votes so taken in their respective townships, and certify the same to the clerk of the circuit court, who shall lay the same before the board doing county business, at its next session after the said election; and if by the returns so transmitted and certified, it shall appear that a majority of all the votes given in any township are against license being granted in that township, the said board are and shall be prohibited from granting any license to retail spiritous liquors in the said township; but if in any township a majority of all the votes given are in favor of license being granted in said township, it shall and may be lawful for the said board to grant such licenses to any person who may desire the same, under the rules and regulations prescribed and required by the laws now in force.

SEC. 5. Should any keeper or keepers of any grocery, coffee house, or other place licensed to retail liquor in said county of Marion, knowingly permit any person or persons to play any game of chance therein, for money or other article of value in such house or establishment, that fact shall be sufficient evidence that said licensed house is a nuisance, and upon proof of the same, upon presentment or indictment in the circuit court of said county, the said court shall revoke the license to said grocery, coffee house, or other establishment to retail spiritous liquors.

SEC. 6. This act shall be in force from and after its passage.

CHAPTER CXXI.

An Act to repeal a certain act therein named, so far as the counties of Monroe and Owen are concerned.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled "An act providing compensation to supervisors of roads and highways," approved January 10, 1845, be and the same is hereby repealed, so far as the counties of Monroe and Owen are concerned.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXXII.

An Act amendatory of an act entitled "An Act to incorporate the Lafayette and Ohio Turnpike Company.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled "An act to incorporate the Lafayette and Ohio Turnpike Company," be and the same is hereby so amended as to strike out the name of Jesse Beaura, named in said act as one of the commissioners, and to add the names of Jesse Beard, Alva Farnsworth, David Pedan, Samuel A. Black, and William Potter, as commissioners, in addition to the persons named as commissioners in the first section of said act, with the same powers and under the same restrictions provided in said act for the government of the commissioners named in said act.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXXIII.

An Act to authorize the removal of obstructions in Big Creek, in Posey county, and for other purposes.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of Commissioners of the county of Posey are authorized (if in their opinion they deem it expedient) to lay off the territory from the mouth of Big creek to Black's mill, and for a distance of three miles on each side of said creek, between the mouth of said creek and Black's mill, into suitable districts, such districts to be of such size as the public interest and convenience may require.

SEC. 2. The said board of commissioners shall, at the time that they lay off said districts, and from time to time thereafter, as often as is necessary, appoint a suitable person residing in each district, as a supervisor for each of said districts, whose duty it shall be to call out the hands in his district to remove timber and other obstructions in said Big creek, running through his district, so as to make the same navigable, as near as may be.

SEC. 3. It shall be the duty of said supervisors to call out the hands in said districts to remove said timber and other obstructions

in said creek, in the same manner and for the same number of days as supervisors are now required by law to call out hands to work on public roads and highways: *Provided, however*, That it shall be discretionary with the board of county commissioners to require said supervisors to call out said hands for any less number of days than they would be required to work on said public roads and highways.

SEC. 4. That the persons who are required to work on the public roads and highways, residing within said districts, are also required to work in removing said timber and other obstructions of said creek, in the same manner as other persons are required to work on public roads and highways, and in default thereof, each and every person residing in said district, shall be liable to pay the same penalties, to be recovered in the same way as prescribed by law against those failing and refusing to work on public roads and highways; and such person so working on said creek, in said district, shall be entitled to a credit for the time he so worked on said creek, on the time he is required to work on the public roads and highways.

SEC. 5. The supervisors so appointed by the board of commissioners, shall be liable to the same fine and penalties for failing and neglecting their duties herein required, and refusing to qualify, as supervisors of public roads and highways are now subject by law.

SEC. 6. Said Big creek, from Black's mill to its mouth, is hereby declared a public highway.

CHAPTER CXXIV.

An Act supplemental to the act approved January 6, 1846, entitled "An Act to amend an act entitled an act to incorporate the Buffalo and Mississippi Railroad Company," approved February 6, 1835.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for said Buffalo and Mississippi Railroad Company, in the permanent location and establishment of said railroad through the counties of Steuben and Lagrange, to locate, establish, and construct the same, without reference to the county towns or seats of said counties of Steuben and Lagrange, if in their opinion their own and the public interests will thereby be promoted.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXXV.

An Act in relation to an Alley in Georgetown, Floyd county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That James T. Duncan and Jacob Fisher, of the county of Floyd, be and they are hereby appointed commissioners to lay off and mark an alley in the town of Georgetown, in said county, on the lands of the heirs of George Watts, sen., deceased, and on the lands of James Watts; said alley to be fifteen feet wide, and to commence at the Georgetown and Greenville road, and run west, immediately in the rear of lots numbered one, two, three, four, five, six, seven, and eight, and so on, keeping the same course to the west side of lot numbered seventeen, and there to intersect the Whiskeyrun State road.

SEC. 2. Said alley shall not be opened until the owners of the lots to be benefitted by it, shall each fully pay their just proportion of any damages that the heirs of the said George Watts, deceased, and the said James Watts, or either or any of them may sustain by reason of opening the same: the damages to be ascertained according to the provisions of the laws now in force on the subject of opening county roads.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CXXVI.

An Act for the relief of Cyrus Lomax, of Orange county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the banns of matrimony heretofore existing between Cyrus Lomax and Malinda Lomax, his wife, of Orange county, be and the same are hereby dissolved.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXXVII.

An Act for the relief of Theodore K., Ann Maria, and Charlotte Brackenridge, heirs of George W. Brackenridge, deceased.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the Governor of this State to appoint a disinterested commissioner, whose duty it shall be to examine into and report to the next annual session of the Legislature of this State, the damages sustained by the heirs of said George W. Brackenridge, on the property situate in the county of Franklin, adjoining the town of Brookville, belonging to them, and occasioned by the construction of the White Water canal; and it shall be the duty of said commissioner to point out, in his said report, the nature of the damages sustained by them by the construction of said canal, with the amount thereof, if practicable to be ascertained.

SEC. 2. That it shall be the duty of said commissioner to appoint a time or times at which said examination shall be made at Brookville, of which he shall notify said heirs a sufficient time in advance thereof, to enable them to attend at said examination.

CHAPTER CXXVIII.

An Act for the relief of Nancy Pickett, of Switzerland county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Nancy Pickett, of the county of Switzerland, be and she is hereby authorized to file a bill in the Switzerland circuit court for a divorce from her husband, William Pickett; and that said court shall pass upon the same, according to the right and justice of the case, without regard to any former proceedings, trial, or recovery had in any cause between the same parties of and concerning the same cause of action.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXXIX.

An Act granting the citizens of Lawrenceburgh a City Charter, and for revising and repealing all laws and parts of laws heretofore enacted on that subject.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of Dearborn county as is contained within the following boundaries, to-wit, beginning on the Ohio river at low water mark, at a point where a straight line would terminate, drawn from the eastern side of the tumble of the White Water Valley Canal; thence following the eastern bank of the waste-way of said canal, to its junction with the main canal; thence along the eastern bank of said canal to the centre of the Trough Pond; (as it is called;) thence in a straight line to the west bank of Tanner's creek, where the northern line of the grave yard would terminate; thence following the meanderings of said creek to a point on the line between the lands formerly owned by A. P. Hubbs and David Nevitt; thence on a direct line to the Ohio river at low water mark to the eastern line of Norval Sparks's lands; thence, following the meanderings of the Ohio river at low water mark, to the place of beginning; shall be, and hereby is declared to be a city; and the inhabitants thereof are created a body politic and corporate, with perpetual succession, by the name and style of "the City of Lawrenceburgh;" and as such, by that name, shall be capable in law of contracting and being contracted with, sueing and being sued, pleading and being impleaded, answered and being answered unto, in all courts and places, and in all matters whatsoever; and also of purchasing, using, accepting, enjoying and conveying real and personal estate, and may have and use a corporate seal, and change, alter and renew the same at pleasure, and shall be competent to have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations incumbent upon and appertaining to a municipal corporation; and for the better ordering and governing said city, to exercise the corporate powers of the same, hereby herein granted, and the administration of its fiscal, prudential and municipal concerns, with the conduct, discretion and government thereof, shall be vested in one principal officer, to be styled the mayor, a board of councilmen, to consist of one member from each ward, to be denominated the city council, together with such other officers as hereinafter mentioned and provided.

SEC. 2. That the said city of Lawrenceburgh shall, and hereby is invested as the lawful owner and proprietor, with all the real and personal estate, and all the rights and privileges thereof, together with all the property, funds and revenues, and all moneys, debts, accounts and demands, due and owing, or in any wise belonging to

said city, or which by or under the authority of any former act or acts, have acquired, vested in, or is or may be owing or belonging to said city of Lawrenceburgh, and the same are hereby transferred to the corporate body, created and established by this act; and all suits pending and judgments recovered by, in favor of, or against said city of Lawrenceburgh, together with all the rights, interests, claims and demands in favor of, and against the same, may be continued, prosecuted, defended and collected in the same manner as though this act had never been passed.

Sec. 3. The said city [shall] be divided into wards, as the boundaries thereof are now established, until such boundaries may be altered, or the number of wards increased by the city council, who are authorized to make alterations in the boundaries thereof, or to establish wards, as the public convenience may require.

Sec. 4. That the mayor of said city shall be elected by the qualified voters thereof, on the first Monday in April, and shall hold his office for the term of three years from the date of his certificate, and until his successor shall be elected and qualified; it shall be his duty to be vigilant and active, at all times, in causing the laws and ordinances of said city to be put in force and duly executed, to inspect the conduct of all subordinate officers in the government thereof, and as far as in his power to cause all negligence, careless and positive violation of duty, to be prosecuted and promptly punished; he shall keep the seal of said city, sign all commissions, licenses and permits which may be granted by or under the authority of the city council, and shall keep an office in some convenient place in said city, to be provided by the city council; he shall perform such duties and exercise such powers as from time to time may devolve upon him by the ordinances of said city, not inconsistent with the provisions of this act, and the character and dignity of his office, and generally do and perform all such other duties, and exercise such other powers, as pertain to the office of justice of the peace; he shall in his judicial capacity have exclusive original jurisdiction of all cases for the violation of the ordinances of said city, and civil and criminal jurisdiction in all cases where by the laws of this State justices of the peace, within the township of Lawrenceburgh, are or shall be authorized to hear and determine, or in any manner have power to act; and for the due and efficient exercise of the power herein and hereby vested in him, he shall have power, and it shall be lawful for him to award all such process, and issue all such writs, as may be necessary to enforce due administration of right and justice throughout said county, and for the lawful exercise of his jurisdiction, agreeably to the usages and principles of law: *Provided*, That in all cases brought before said mayor, for violation of the ordinances of said city, and when the said mayor shall adjudge the defendant, or defendants, to pay a fine of ten dollars or upwards, exclusive of costs, the defendant, or defendants, shall have the right of appealing from the said judgment to the circuit court of Dearborn county, upon giving bond in double the amount of said judgment and costs and with such securities as shall be approved by said mayor, within ten days from the rendition of said judgment, which bond shall be conditioned to pay and discharge the judgment and costs, which may be recovered against him, her or them, in the said circuit court, which appeal when perfected, by giving bond as aforesaid, shall entitle the party appealing, to the same rights and privileges, subject to the same restrictions and conditions, as by the laws of this State pertain to the parties appealing from the judgment of justices of the peace to the circuit court; and the said causes so appealed, shall be prosecuted in said circuit court by indictment and trial by jury, in the same manner as in offences against the laws of the State are prosecuted; and it shall be sufficient to set forth in the indictment the offence, in the words of the ordinance, by title only, without reciting the said ordinance, and by concluding the said indictment against the peace and dignity of the State of Indiana; and the said circuit court of Dearborn county is hereby authorized and empowered and directed to take cognizance of, and hear and determine all such cases as shall be brought before them by appeal as aforesaid, and to assess such fine, and pass such judgment against the defendant, or defendants, as shall be prescribed by the ordinances of said city; the mayor, moreover, shall have authority to take and certify the acknowledgements of all deeds for the conveyance or incumbrance of real estate situate in the State of Indiana.

Sec. 4. Said mayor shall have the same power to issue process, in all cases within his jurisdiction, and shall proceed in the same manner and be entitled to the same fees as justices of the peace; he shall keep a docket, not otherwise provided for, which in all respects shall have the same effect as a justice of the peace, and parties to any suit before him, as ex officio justice of the peace, shall have right to a change of venue, to be tried by a jury, and to appeal to the circuit court, as if the suit were instituted and pending before a justice of the peace; said mayor shall receive, for his services as such, an annual salary, to be paid out of the city treasury, and to be allowed by the city council, which salary shall not be less than one hundred dollars per year, to be paid quarterly as the services of said mayor shall be rendered; said mayor shall, before entering upon the duties of his office, give bond, payable to the State of Indiana, in the penal sum of five thousand dollars, conditioned for the faithful discharge of his said duties as mayor and ex officio justice of the peace, said bond to be deposited in the clerk's office of the Dearborn circuit court.

Sec. 5. The qualified electors of said city shall, on the first Monday in April, biennially, elect a marshal, who shall hold his office for the term of two years, and until his successor shall be elected and qualified; said marshal shall be the chief ministerial officer of said mayor, and as such, invested with all the powers of a sheriff and constable, entitled to the same fees and subject to the same penalties and amersements; he shall execute and return all process directed to him by the mayor, and when necessary, may serve the same in any

part of Dearborn county; it shall be his duty to suppress all riots, disturbances and breaches of the peace, to apprehend all rioters, disorderly persons and disturbers of the public peace in said city, and all persons in the act of committing any indictable offence against the laws of the State, or fleeing from justice, after having committed such offence, and him, her or them, forthwith take into custody and bring before the mayor for examination, and in case of resistance call to his aid, and command the assistance of all by-standers, and others in the vicinity; he shall perform such other and further duties as may, from time to time, be required of him by the common council, and may appoint one or more deputies, and at pleasure dismiss or discharge them from office, being always responsible for the correct discharge of their duties; before entering on his duties, he shall take an oath of office, and give bond, with security, to the acceptance of the common council, for the faithful discharge of his duties; all constables shall be ministerial officers of the mayor's court, in like manner as they are of justices' courts, and shall be bound in the same manner to execute his process.

Sec. 6. It shall be lawful for said Mayor to order any person brought before him, charged with the commission of any criminal offence, in any State or Territory of the United States, upon proof by him adjudged sufficient, to direct such accused person to be delivered to some suitable person or persons, to be conveyed to the proper jurisdiction for trial.

Sec. 7. That the qualified electors in each ward in said city shall, on the first Monday in April, annually, elect one councilman, who shall have resided in said city three years, and shall have been freeholders therein one year next preceding his election, shall be residents and inhabitants of the ward in which they shall be elected; and the mayor and councilmen, when assembled together and duly organized, shall constitute the city council; a majority of the councilmen shall at all times be necessary to constitute a quorum for the transaction of business; they shall be judges of the election returns and qualifications of their own members, shall determine the rules of their own proceedings, and keep a record thereof, which shall be open to the inspection and examination of every citizen, and may compel the attendance of absent members, in such manner and under such penalties as they shall think fit to prescribe; the mayor, when present, shall preside at all meetings of the city council, and in case of a tie vote on any question or proposition, shall give the casting vote, except that in making laws and ordinances, he shall have no vote; in the absence of the mayor, the city council may appoint one of their own body to preside for the time being, who, as president, shall possess the power of the mayor, while acting in that capacity, and the additional power of giving the casting vote on all questions whatever; said council shall meet in the council chamber, or in some other convenient place in said city, on the second Monday in April, and after having taken the oath of office, before the mayor, or some other officer qualified to administer oaths, shall appoint a city clerk,

whose duty it shall be to keep a regular and correct journal of the proceedings of the council, and shall perform such other duties as may be required of him by the ordinances of said city; and no member of the city council shall hold or possess any other office which is lucrative, under the government of said city.

Sec. 8. The city council shall provide the time and places for holding meetings not herein provided for, which shall at all times be open for the public; they shall appoint and provide, by ordinance, for the election by the qualified voters of said city, of all assessors, collectors of all taxes, supervisors of highways, treasurer, and other city officers whose appointment or election is not otherwise herein provided for, as shall be necessary for the good government of said city and the due exercise of its corporate powers, and which shall have been provided for by said ordinance; and all city officers whose term of office is not prescribed and whose powers and duties are not defined by this act, shall perform such duties, exercise such powers, and continue in office for such term of time, not exceeding one year, as shall be prescribed by ordinance.

Sec. 9. The said city council shall have the custody, care and superintendence, management, and control of all the real and personal estate and other corporate property belonging to said city; and all real and personal estate, money, funds, and revenues which from time to time may be owned by or of right belong to said city, with full power to purchase, hold, possess, use, occupy, sell, and convey the same for the use and benefit of said city and the inhabitants thereof: *Provided*, That the city council shall not have power to sell or in any way dispose of any public landing, wharf or wharves, dock or docks, basin or basins, or any interest therein, or part thereof, which now is or hereafter may be owned by or shall become the property of said city, and which may be used and kept for the accommodation and convenience of the merchants and others engaged in trade, commerce, and navigation of said city; nor shall the city council have power to sell or in any way dispose of any other real estate or interest therein, which is now owned by or hereafter may become the property of said city, unless the qualified voters thereof, in pursuance of ten days' previous notice, by order of the council, published in one of the newspapers printed in said city, setting forth the time, place, and purpose of voting, shall, by a majority, on written or printed ballots given, expressive of their consent thereto.

Sec. 10. The said city council shall have power and it is hereby made their duty to make and publish from time to time, all such ordinances as shall be necessary to secure said city and the inhabitants thereof against injuries by fire, thieves, robbers, burglars, and all other persons violating the public peace, for the suppression of riots and gaming, pilfering from market wagons, and indecent and disorderly conduct, for the punishment of all lewd and lascivious behavior in the streets and other public places of said city, and for the punishment of all vagrants and idle persons; they shall have power from time to time to make and publish all such laws and ordinances

as to them shall seem necessary to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of said city and the inhabitants thereof; to impose fines, forfeitures, and penalties on all persons offending against the laws and ordinances of said city, and provide for the prosecution, recovery, and collection thereof, and shall have power to regulate, by ordinance, the sale of gunpowder within the city.

Sec. 11. The city council shall have power to establish a board of health for said city, to invest it with such powers and impose upon it such duties as shall be necessary to secure said city and the inhabitants thereof from the evils, distresses, and calamities of contagious, malignant and infectious diseases, provide for proper organization and the election and appointment of the necessary officers thereof, and make such by-laws, rules, and regulations for its government and support, as shall be required for enforcing the most prompt and efficient performance of its duties, and lawful exercise of its powers; they shall have power, whenever the public peace of said city requires it, to establish a watch, and organize the same, under the general superintendence of the city marshal, or other proper officer of the police, prescribe its duties and define its powers in such manner as will most effectually preserve the peace of said city and secure the inhabitants thereof from personal violence, and their property from fire and unlawful depredations; they shall establish and organize all such fire companies, and provide them with proper engines, hose, and such other implements as shall be necessary to extinguish fire and preserve the property of the inhabitants of said city from conflagration, and provide such by-laws and regulations for the government of the same, as they shall think proper and expedient, and each and every person who may belong to such fire company shall, in time of peace, be exempted from the performance of military duty under the laws of this State.

Sec. 12. The city council shall erect, establish, and regulate the markets and market places of said city, for the sale of provisions, vegetables, and other articles necessary for the sustenance, comfort, and convenience of said city and the inhabitants thereof; and they shall have power to establish and construct landing places, wharves, docks, and basins in said city, at any and all places within the limits or boundaries of the same, or on any of the city property, and fix the rate of landing, wharfage, and dockage of all steamboats, boats, rafts, and other water crafts, and all goods, wares, merchandize, produce, and other articles that may be moved at, landed on, or taken from any landing, wharf, dock, or basin belonging to said city.

Sec. 13. The city council shall have power and it is hereby made their duty to regulate, by good and wholesome laws and ordinances for that purpose, all taverns, ale and porter shops, and houses and places of insignificant and habitual resorts for tipling and intemperance, where spiritous liquors are sold or used by less qantity than one quart, and all other houses of entertainment in said city, all

theatrical exhibitions and public shows, and all exhibitions of whatever name or nature, to which admission is obtained on the payment of money, or any other reward, the sale of horses or other domestic animals at public auction, in the streets, lanes, alleys, and commons in said city, and ferries across the Ohio river, from said city to the opposite shore, and impose reasonable fines and penalties for the violation of any such laws or ordinances.

Sec. 14. Said city council shall have full and exclusive power to grant or refuse license to tavern keepers, inn-holders, retailers of spiritous liquors by less quantity than one quart, keepers of ale and porter houses and shops, and all other houses of public entertainment, showmen, keepers and managers of theatrical exhibitions, and all other exhibitions for money and other reward, auctioneers for the sale of horses and other domestic animals at public auction in the streets, alleys, and commons of said city, and keepers of ferries across the Ohio river to the opposite shore; and in granting any such license, it shall be lawful for said city council to exact, demand, and receive such sum or sums of money as they shall think proper and expedient, to annex thereto such reasonable terms and conditions in regard to time and place and other circumstances under which such license shall be acted upon, and in their opinion the peace, quiet, and good order of society and said city may require; and for the violation of such reasonable terms and conditions as aforesaid, said city council, or mayor, shall have power to revoke or suspend such license, whenever the good order and welfare of said city may require it, in such manner as shall be provided for by ordinance: *Provided, however*, That the city council shall not have power to grant any license for the sale of spiritous liquors within said city, under fifty dollars for each and every tavern, and seventy-five dollars for each and every coffee-house: the proceeds of said license so granted shall be paid into the city treasury as hereinafter provided for.

Sec. 15. That said city council shall have power and they are hereby authorized to require and compel the abatement and removal of all nuisances within the limits of said city, under such regulations as shall be prescribed by ordinance, to cause all grounds therein, where water shall become stagnant, to be raised, filled up, or drained, and to cause all putrid substances, whether animal or vegetable, to be removed; and to effect these objects, the said city council may from time to time give order to the proprietor or proprietors, or to his, her, or their agent, and to the non-resident proprietors who have no agent therein, by a publication in one or more of the newspapers printed in said city, for the period of four weeks, of all or any grounds, subject at any time to be covered with stagnant waters, to fill up, raise, or drain such grounds, at their own expense; and the said city council shall designate how high such ground shall be filled up and raised, or in what manner they shall be drained, and fix some reasonable time for filling up, raising or draining the same, and if such proprietor, or proprietors, or agents shall refuse or neglect to fill up, raise, or drain such grounds in such manner and within such

time as the said city council shall have designated and fixed, they shall cause the same to be done at the expense of the city, and assess the amount of the expenses thereof on the lot or lots of ground so filled up, raised, or drained as aforesaid, and place the assessment so made as aforesaid, in the hands of the city collector, who shall proceed to collect the same by sale of such lot or lots, if not otherwise paid, in the same manner and with the same powers, and under the same regulations, and shall make good and sufficient deeds thereof to the purchaser, subject to the same rights of redemption by the proprietor or proprietors, their heirs, or assigns, as the law prescribes for the time for the sale of lands for the non-payment of State and county taxes, but no payment for the non-payment of any such tax or assessment shall exceed twenty-five per cent.

Sec. 16. The said city council shall cause the streets, lanes, alleys, public squares, and commons of said city to be kept open and in repair, and free from all kinds of nuisances, but it shall be lawful for them to continue any building or erection now standing therein, if in their opinion the interests and general health of the city will not be injured thereby; they shall have the exclusive power of appointing supervisors and other officers of the streets and of the highways within the said city, and of collecting, in money or labor, any sum not exceeding one dollar, annually, as a road tax, from each and every person liable by law to pay such tax, or to labor on the highways; they shall have the power, whenever the public convenience or safety shall require it, to prohibit hogs, cattle, horses, and any other description of animals from running at large in the streets, lanes, alleys, commons, and other public places in said city; and shall have power to license and regulate all carts, wagons, and drays, and every description of two and four-wheeled carriages which may be kept in said city for hire, all livery stables, brokers' and loan offices, and to provide for the inspection and the appointment of inspectors of all articles of domestic growth, produce or manufacture which may be brought to said city, or sold or purchased therein for exportation, and not included in the inspection laws of the State.

Sec. 17. The said city council, whenever a majority of the qualified voters of said city demand it, shall have power and they are hereby authorized to take stock in any chartered company for making roads to said city, or for watering or lighting said city: *Provided*, That no such stock shall be subscribed, on the part of said city, until a majority of the qualified voters thereof have signified their assent thereto, by expressing upon their tickets at any annual election, that they are in favor of the subscription for said stock by the said mayor and city council; and to raise funds for the payment of such stock, shall have power and authority to make and sell their bonds, under the seal of said corporation, payable in not less than twenty-five years from their date, and bearing interest at the rate of six per cent., payable annually, and therein pledge to the holders of such bonds that the stock so taken shall, with all the dividends accruing thereon, at any time to be held and bound for the payment of the said bonds and accruing interest on the same, and also, that the interest coupons attached to said bonds shall be receivable at any time for the payment of taxes due to the said corporate authority of said city: the amount of stock subscribed in any one chartered company not to exceed forty thousand dollars: nothing herein contained shall be deemed or taken as involving the State in any liability or responsibility, for the redemption of any bonds issued by said city, or for the payment of interest thereon.

Sec. 18. For the purposes of revenue, the city council shall levy and collect a tax on all real property within said city, not exceeding one-half per cent. on its valuation, inclusive or exclusive of improvements, as they may judge best; and may also, in their discretion, levy and collect a specific tax on dogs, and a poll tax, not exceeding fifty cents, on every male inhabitant of said city, over the age of twenty-one years; and a portion of said revenue, and all or any part of the penalties collected under the authority of this act, or any of the ordinances made in pursuance thereof, may, at the discretion of the common council, be appropriated for the support of common schools in said city.

Sec. 19. After the second Monday in April, and before the first Monday in May, it shall be the duty of the city council to fix and determine whether real estate shall be taxed, including or excluding the improvements, and what rate of tax shall be levied thereon, also whether any, and if any, what amount of tax shall be levied on any specific article, or articles of personal property, or on dogs, and whether any, and if any, what poll tax shall be levied.

Sec. 20. It shall be the duty of the city assessor, after having filed with the mayor his official bond, conditioned for the faithful discharge of his duties, and taken an oath, well, truly and faithfully to discharge the duties required of him, to proceed forthwith to make out a full and fair list of all such persons and property as he may be directed to assess, the same to be made out, as far as practicable, in alphabetical order, setting opposite to each man's name the lot, or lots, piece, parcel or tract of ground, particularly described, by him or them owned or claimed, and the value thereof, either inclusive or exclusive of improvements, as he may be directed; also the polls, and the nature and number of the specific articles required to be listed, and shall calculate and carry out the amount of tax chargable, according to the rate established, against any lot or piece of ground, and against any person or personal property: *Provided*, That if there be any real estate of which said assessor can find no owner or claimant, it shall be his duty to assess the same by its number or description, stating that the owner is unknown: whenever said assessor shall be convinced that any of the inhabitants of said city are giving an incorrect valuation of their property, subject to be taxed, he may, if deemed necessary, administer an oath to such person, or persons, requiring them to answer to such questions as he may ask, touching the value thereof.

Sec. 21. It shall be the duty of said assessor to complete said

assessment, and return the same so completed, to the city council or the clerk of said city, by the first Monday in July succeeding his election or appointment.

Sec. 22. After the return of said assessment, and before the first Monday in August, annually, it shall be the duty of the city council to cause their clerk to make out a full, fair and complete copy and transcript of the persons and property named in said assessment, with the amount of taxes charged against each, in all cases setting opposite each lot, or fraction of lot, piece, or parcel, or tract of ground, the particular tax thereon, to which list the said clerk shall attach a certificate under his hand, setting forth what property for that year was to be taxed, under the order of the common council, and at what rate, to all which shall be added by the mayor, or a precept under the seal of the corporation, directed to the collector of said city, and commanding him that of the goods and chattels of all and every person and persons named in said tax list, he cause to be made by distress and sale, the amount of tax charged against him, her or them, the amount for, or on account of, a poll or personal property; and that of the particular property, lot or tract of land in said list named, he make the tax charged thereon, by levy and sale, or by sale of so much of said lot or tract of land, as may be necessary to pay said taxes and the costs and charges of such sale, and make return of his doings by the first Monday of November following.

Sec. 23. Should any person feel aggrieved by the valuation placed on his lot, or land, by the assessor, he may apply to the city council at any time for redress, and if said city council should think said valuation too high, in proportion to the valuation of other property, or if said property shall not be correctly listed, or any mistake made in the assessment, the same shall be corrected by the common council, and right and justice done.

Sec. 24. All taxes upon real estate shall, from the time the tax list is made out and completed, be a lien thereon to the same extent with the judgment of a court of record, and shall have a preference of all private charges, and all taxes on personal estate shall have preference of other private demands.

Sec. 25. The city collector shall, before the tax list is delivered to him, file with the mayor his official bond, with security to the satisfaction of the city council, in the penal sum of eight thousand dollars, which penalty may at any time be increased to double the estimated amount of revenue, at the discretion of the said city council, conditioned for the faithful discharge of the duties of his office; and said collector may appoint as many deputies as he may think proper, being at the same time responsible for their acts.

Sec. 26. By the first Monday in August, annually, said tax list shall be completed as aforesaid, and placed in the hands of the collector, whose duty it shall be to proceed forthwith to the collection of the taxes in the said list contained.

Sec. 27. The collector shall not be required, in any instance, to make a demand of the taxes from the person charged therewith, but

may in his discretion do so; and if any person charged with a poll tax, or tax on personal property, shall fail, when called on for his taxes by the said collector or deputies, to pay the same, it shall be lawful for said collector to make the amount by seizure and sale of the goods and chattels of said defaulter.

Sec. 28. After the first Monday in September, annually, and before the first Monday of November succeeding, it shall be the duty of the collector to make the taxes assessed on real estate, either by seizure and sale of the goods and chattels of any person owing the same, or by sale of the lot or piece of ground itself, on which the taxes are remaining unpaid, or of so much thereof as may be necessary to pay the taxes and expenses of sale, giving six days' notice of the time and place of sale of goods and chattels, by written notice, stuck up in three of the most public places in said city, or by advertisement in a newspaper, and giving three weeks' notice of the time and place of sale of lots and lands, by advertisement in some newspaper printed in said city: *Provided*, That nothing herein contained shall be so construed as to operate in such manner as to interfere with the lien which the State or the said county of Dearborn may at any time have upon any goods and chattels, of any person in said city, for the non-payment of taxes due said State or county.

Sec. 29. In selling lots or lands, the collector shall sell the lowest possible quantity that any bidder will take and pay the amount of taxes due and chargable thereon, and costs; and when any bidder shall offer to take less than the entire lot or tract, it shall be the duty of the collector, at such sale, to designate and declare in what manner the division shall be made, and having made a sale to any person, of any lot or tract of land, or part thereof, it shall be the duty of the collector to make, seal and acknowledge, before some competent authority, a certificate for the same to such purchaser.

Sec. 30. It shall be the duty of the collector, immediately after the sale of any lot, or lots, of lands, to make return of the same to the treasurer of said city, distinctly stating the lot or tract sold, the name of the purchaser, the day of sale and the amount of taxes and costs; and any owner or claimant of any lot or tract so sold, as aforesaid, their agent or attorney may redeem said lot or tract at any time within two years from the day of sale, by paying and depositing with the treasurer aforesaid, for the use of the purchaser, the taxes and costs so paid, as aforesaid, together with interest thereon, at and after the rate of one hundred per centum per annum, from the day of such sale to the day of making such redemption.

Sec. 31. After the expiration of two years, from and after such sale, it shall be the duty of said treasurer, on the application of any person, or his heirs, holding a certificate of any lot or tract of land unredeemed, to endorse on the back thereof his certificate of the fact, that the lot or tract in said certificate specified has not been redeemed, which certificate of the treasurer shall be by him acknowledged, before some competent officer; and such certificate of the collector, made and acknowledged as aforesaid, and endorsed and

acknowledged by the treasurer as aforesaid, shall cause to vest in the purchaser, his heirs and assigns, from the day of sale, an absolute and indefeasible estate, in fee simple, to the lot or lands therein described, and shall be admitted to record in the same manner as deeds, and shall be conclusive evidence of the regularity of the sale, and shall not be annulled and set aside in any court whatsoever, except by proof of one or more of the following facts: *First*, That said lot, or fraction of lot, piece, parcel or tract of land, in said certificate named, was not liable to be taxed: *Second*, That the taxes charged thereon were actually paid to the collector or his deputy, before the sale, or were tendered and refused: *Third*, That the said premises were redeemed within two years from the day of sale, by depositing with the treasurer for the use of the purchaser, his heirs, executors or administrators, the taxes, costs, and charges, and per centage thereon.

Sec. 32. At any time before the sale of any goods and chattels, lots or lands, the owner or claimant may release the same by payment of the taxes due, and costs so far as accrued; and whenever any balance, from the sale of any goods and chattels, over and above what is sufficient to pay the taxes and costs shall remain, it shall be the duty of the collector to pay the same over to the owner of such goods and chattels, on his demand.

Sec. 33. It shall be the duty of the collector, on or by the first Monday of November, in each year, to pay over all money collected by him, to the treasurer, and make a full and final settlement of his collectorship, and a return of the tax list and precept to him, with a full account of his doings in the premises; in which return shall be stated, fully and distinctly, the aggregate amount of taxes, by him received and collected, and the amount remaining unpaid, with the names of the particular defaulters, the cause of failure to enforce payment from such delinquents, as commanded in said precept, the truth of which return shall be verified by the affidavit of said collector; and to the tax list of any succeeding year, it shall be lawful to add any taxes remaining unpaid in any preceding year, which shall be collected in like manner as if assessed in such year.

Sec. 34. The collector shall be entitled to such allowance as shall be made him by the city council, for collecting without distress and sale, and one dollar on all sales of goods and chattels, together with charges for keeping property distrained, and fifty cents for each sale made of real estate and for giving certificate, and twenty-five cents for the acknowledgement of such certificate, to be added and estimated in the sum for which such goods and chattels, lot or tract, or part thereof, is sold.

Sec. 35. The treasurer, before entering on the duties of his office, shall take an oath, before some competent authority, and shall give bond in the penalty of double the estimated annual revenues of said city, with security, to be approved by the city council, for the faithfully paying over and accounting for all moneys that come into his hands; all moneys raised, recovered, or received, or collected, by

means of any tax, license, fine, forfeiture or otherwise, or which may belong to said city, shall be paid into the city treasury, and shall not be drawn therefrom except by order or by the authority of the city council, to be signed by the mayor or other presiding officer, and attested by the clerk; it shall be the duty of the treasurer to receive the lists and returns, made by the collector, of lots and lands sold by him for taxes, as hereinbefore provided, and preserve the same, and on the application of any owner or claimant of any lot or piece of land to redeem, to receive from him, and pay over to purchasers on demand, the tax, cost and per centage, as hereinbefore required, giving to such person a receipt for the amount so paid, for which service said treasurer shall be entitled to charge such person a fee of twenty-five cents.

Sec. 36. Whenever the owners of lots on any street, or section of street, shall be desirous of making any improvement on the same, by grading, graveling, paving, curbing, or guttering, or any other improvements, and two-thirds of the owners of lots on said street or section of street, by themselves or agent, representing two-thirds of the whole number of feet on each side of said street or section of street, shall, by petition to the city council, represent plainly and distinctly the improvement wanted or contemplated to be made, it shall be the duty of the city council to cause the same to be done in the best and most economical manner, agreeably to the wishes of the petitioners, and the expenses thereof shall be assessed and levied on all the lots fronting on said street or section of street, equally per front foot, for the distance such improvement may be made: it shall be the duty of the clerk to enter such petition on record, with the petitioners' names, and the number of feet owned or represented by each, so that it may at any time appear whether the requisite number of feet were subscribed; and the city council may by special ordinance, provide for the collection of expenses of all such improvements, and in case of non-payment, for the sale of the lot or fraction of lot, on which such taxes remain unpaid, such sale to be conducted in the same manner as hereinbefore provided for the sale of lots and lands for the non-payment of taxes: *Provided however*, That the city council shall have power, if they deem it more just and equitable, to assess the expenses of such improvements on the lots fronting on said street or alley, agreeably to the valuation thereof: *And, provided also*, That the city council may, when in their opinion the general good requires it, cause any such improvement to be made without petition, and assess the expenses either *pro rata* per square foot, or agreeably to the valuation as aforesaid; but the concurrence of two-thirds of the city council shall be necessary to authorize an improvement without petition, or to authorize the levying of the expenses *ad valorum*, at the expense of the corporation.

Sec. 37. No street or alley or public landing shall be discontinued without the consent of the owners of the adjoining property, to be given in writing and spread upon the records of the corporation; nor shall any new street, lane, or alley, or public landing, be made

through private property, without first paying the person or persons, whose property shall be thus appropriated (if demanded) the full amount of the real injury sustained thereby; and for the purpose of enabling such person to make demand for the damages sustained, it shall be the duty of the common council to give six weeks' public notice, by advertising in some public newspaper printed in said city, of their intention to make and establish such new street, lane, or alley, or public landing, and any person feeling aggrieved thereby, may at any time within said six weeks, apply to the common council for redress, by remonstrance in writing left with the city clerk, whereupon the said city council shall appoint two disinterested freeholders of said city, such applicant for damages shall select two others, and these four choose a fifth, to be appraisers of the damages such party may sustain; who, or a majority of them, under oath, shall proceed to view, and on actual view to assess the injury sustained, at its true value, and make return to the city council; and the damages so assessed shall be paid out of the city treasury, before such street, alley or public landing shall be established and opened: if the appraisers first above named, cannot agree to the choice of a fifth, it shall then be lawful for the city council to make the selection.

Sec. 38. It shall be the duty of the city council to designate some particular place in each ward for holding the elections, which place may be changed from time to time, as the city council may think proper: it shall further be the duty of said city council, annually to appoint for each ward in said city, from among the qualified voters thereof, an inspector of elections, (who shall hold his office until a successor is appointed,) whose duty it shall be, on the first day of April, annually, or at any other time when an election is to be held, to attend at the place of holding elections in his ward, and take to himself, previous to the hour of opening the polls, two qualified voters of his ward, who together with himself shall constitute the judges of election for such ward, which judges shall appoint two suitable persons clerks of said election, and said inspector, judges and clerks shall, before entering on their duties, take an oath, which may be administered by the inspector to the judges and clerks, and by one of the judges to the inspector, faithfully and impartially to discharge the duties assigned them.

Sec. 39. That in all elections for city officers, it shall be the duty of the mayor to issue a proclamation to the qualified voters of said city, or to those of the respective wards, as the case may require, setting forth the time of such elections, the place or places where the same shall be held, the officer or officers to be chosen, and cause such proclamation to be published in some newspaper printed in said city, at least ten days previous to such election; and every such election shall be opened between the hours of eight and ten o'clock in the forenoon, and continued open until four o'clock in the afternoon, and shall in all things be conducted agreeably to the laws regulating township elections for the time being; and it shall be the duty of the judges of such elections, in the several wards, within two days thereafter to make and direct the returns thereof to the mayor of the said city, at his office, in the same manner that election returns are required to be made to the clerk of the Dearborn circuit court, in elections for State and county officers; and on the Wednesday following any such election, the said mayor and city council shall open the returns which have been made to him as aforesaid, and shall make an abstract of all the votes and file the same with the city clerk, who shall make a record thereof in a book to be kept by him for that purpose, and the person or persons having the highest number of votes, shall be declared to be duly elected; but if from any cause the qualified voters of said city, or of the respective wards as the case may be, shall fail to effect any election, at the time and in the manner herein provided, the mayor shall forthwith issue his proclamation for a second or other election, which in all things shall be notified, conducted, regulated, and the returns thereof made as in and by this act is prescribed; and the person or persons who shall be chosen at any such second or other election, shall hold his or their office until the next stated period for the choice of a successor or successors, and it shall be the duty of the mayor to notify such person or persons as may be elected, as aforesaid, of his or their election, by causing a written notice thereof to be served upon him or them by the city marshal; and every person so chosen or elected, as aforesaid, shall, within ten days after his election, cause himself to be qualified to enter upon the duties of his office, and in default thereof, the office to which he shall have been elected shall be deemed and considered in law to be vacant; and it shall be the duty of the city council to prescribe the time and manner and provide the place or places of holding all elections in said city, for city officers, and of making the returns thereof, not herein otherwise directed and prescribed.

Sec. 40. In case of the death, removal, resignation, or otherwise of either of the officers of assessor, clerk, marshal, or other officer, it shall be the duty of the said city council to fill such vacancy, *pro tempore*, until the next annual election; and in case of the office of mayor or councilman becoming vacant by either of the above named causes, it shall be the duty of the city council to order an election of such officer, by the qualified voters of said city, in the same manner as is prescribed for all elections for city officers.

Sec. 41. That each and every white male inhabitant above the age of twenty-one years, having the qualifications of an elector for members of the General Assembly of the State of Indiana, and having resided in said city one year next preceding any election for city officers, shall be deemed a qualified voter of said city, and shall be entitled to vote in the ward in which he resides, for mayor, councilman, marshal, assessor, and such other officer or officers as in and by this act are directed to be chosen by the qualified voters of said city, or of the respective wards therein, and all others which by public ordinance may be required to be chosen or elected: *Provided*, That no person shall be capable of holding any office under the government of said city who has not resided therein and been an inhabitant

thereof at least one year next preceding his election or appointment: and *Provided, also,* That no person shall be eligible to the office of marshal or treasurer of said city who shall not have resided in said city and been an inhabitant thereof three years next preceding his election or appointment.

Sec. 42. No man shall be eligible to the office of mayor who shall not have been a resident of said city three years and a freeholder one year next preceding his election.

Sec. 43. Supervisors, when appointed by the city council, shall have the same powers and privileges and in all other respects shall be governed by the same laws which now are or may hereafter be in force, governing supervisors appointed by the county commissioners of this State.

Sec. 44. It shall be the duty of the country treasurer of the county of Dearborn to pay into the said city treasury, at such time as may be provided by said city council, all moneys collected by him and assessed on personal property, or otherwise, by the State or county for road purposes, which money shall be subject to the order of the city council, for the improvement of streets, lanes, roads, and alleys within the corporate limits of said city.

Sec. 45. That the said city council shall have power, when the public interests require it, to erect a city prison, and to regulate the police or internal government of the same, for the safe-keeping of such persons as may be confined therein; and that the city council shall have power to pass all such ordinances as may be necessary for the apprehension and punishment of all street beggars, common prostitutes, and persons disturbing the peace of said city, who [shall], upon conviction thereof before the mayor, be fined in any sum not exceeding one hundred dollars, or confined in said city prison for any length of time not exceeding sixty days: And *Provided,* That until the said city prison shall be prepared for the reception of prisoners, the said city shall have the use of the county jail of Dearborn county, for the confinement of all such persons as may be convicted before the mayor, and who shall be liable to imprisonment under the laws of this State or the ordinances of said city.

Sec. 46. Every ordinance, by-law, or other police regulation affecting the whole city, relating to the conduct of the citizens generally, and imposing any penalty or forfeiture for a violation of its provisions, shall, after the passage thereof, be published at least once in some newspaper printed and published in said city, and the affidavit of the printer or publisher of such newspaper to the fact of such publication, taken before any officer authorized to administer oaths, and filed with the clerk of said city, shall be sufficient evidence in all courts and places of the publication and promulgation of such ordinance.

Sec. 47. All official bonds (the mayor's excepted) taken under this act, or under any order of the city council, shall be made payable to the city of Lawrenceburgh.

Sec. 48. The city council shall have power for and within the city, to make, establish, alter, modify, amend, and repeal ordinances, rules, regulations, and by-laws for the following purposes and on the following subjects, to-wit: *First,* To compel the owner or occupant of any piece of ground, grocery, cellar, tallow chandler's, soap factory, tannery, stable, barn, privy, sewer, or other house or place to cleanse the same from time to time, as often as it may be deemed necessary for the health, comfort, and convenience of said city, and to remove, or abate, or otherwise destroy the cause which renders such house or place unhealthy or uncomfortable: *Second,* To direct the location of all powder houses, slaughter houses, tallow chandlers' shops, soap factories, and other houses that may be an annoyance to the health or comfort of said city, and if thought necessary, to prohibit the erection or continuance altogether of such establishments within the limits of said city: *Third,* To regulate the keeping and conveying of gunpowder and other combustible materials, and the use of candles and lights in barns and stables: *Fourth,* To prevent horseracing, and immoderate riding or driving in the streets: *Fifth,* to prevent the incumbering of the streets, side-walks, lanes, alleys, or wharves with carriages, carts, boxes, lumber, timber, fire-wood, or any other substance or material whatsoever: *Sixth,* To regulate and determine the times and place of bathing and swimming in the Ohio river and canal within said corporation: *Seventh,* To prevent and regulate the running at large of dogs, and to authorize the destruction of the same, when at large contrary to ordinances: *Eighth,* To prohibit the rolling of hoops, playing at ball or long-bullets, using fire crackers, or flying kites, or any other instrument or practice having a tendency to annoy or endanger persons passing the streets, or to frighten teams or horses within said city: *Ninth,* To compel all persons to keep the snow, ice, and dirt from the side walks and to cleanse and keep clean the gutter and street in front of the premises by them owned or occupied: *Tenth,* To regulate the burial of the dead, purchase and provide common burying grounds, hearses, and other things necessary to burial, and appoint one or more sextons, and prescribe his duties: *Eleventh,* To direct the keeping and returning of bills of mortality, and to impose penalties on physicians, sextons, and others for any default in the premises: *Twelfth,* To regulate guaging, the place and manner of selling and weighing hay, of selling and measuring wood, lime, and coal, and to appoint persons to superintend and conduct the same: *Thirteenth,* To regulate the quality of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto: *Fourteenth,* To establish, make, and regulate public pumps, wells, cisterns, and reservoirs, and to prevent the unnecessary waste of water: *Fifteenth,* To provide for the watering of said city: *Sixteenth,* To establish and regulate public pounds: *Seventeenth,* To prevent the firing of guns and pistols, and all other fire-arms and fire-works within said city: *Eighteenth,* To erect market houses, a hospital, council house, and a city jail, and to regulate and govern the same, and to erect houses for common schools: *Nineteenth,*

To regulate and establish the salary, pay, and fees of the various officers and agents by them employed: *Twentieth*, To borrow money for the use of said corporation: *Twenty-first*, To regulate the construction of chimneys, fire-places, hearths, and stove pipes so as to prevent damage from fire: *Twenty-second*, To provide for the inspection of domestic spirits and linseed oil which may be manufactured or brought to said city: *Twenty-third*, To appoint inspectors and measurers of flour, salt, wood, coal, lime, timber and whiskey which may be sold in said city.

Sec. 49. The said city council shall have power to establish common schools within said city, to purchase lots for the erection of school houses thereon, and to have the benefit of the common school fund for the maintenance thereof as is provided by the laws of the State of Indiana regulating the same.

Sec. 50. That this act shall be taken and received in all courts and by all judges, magistrates, and other public officers as a public act, and all printed copies of the same, which shall be printed by or under the authority of the General Assembly of this State, shall be admitted as good evidence thereof, without any other proof whatever.

Sec. 51. All laws and parts of laws now in force in any manner conflicting with the provisions of this act, so far as the said city of Lawrenceburph is concerned and within the jurisdiction of the corporation herein and hereby created, be and the same [are] hereby repealed: *Provided*, That the ordinances and by-laws of the said corporation of the town of Lawrenceburgh be and remain in full force and virtue, until otherwise provided for under this act.

Sec. 52. In selling lots, and so forth, as provided in section number twenty-seven, it shall be the duty of the collector to offer all the lots taxed to any one person together, and sell to that bidder that will pay the taxes and costs for the smallest number of said lots, including all the lots so sold in one certificate.

CHAPTER CXXX.

An Act for the relief of Mary Ann Wetherald, of Fayette county.

[APPROVED JANUARY 19, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bonds of matrimony heretofore and now existing between Mary Ann Wetherald and James Wetherald, her husband, be and the same is [are] hereby dissolved.

Sec. 2. This act to take effect from and after its passage.

CHAPTER CXXXI.

An Act to provide for the collection of the County Seminary Funds in Hamilton county.

[APPROVED JANUARY 19, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the acting county auditor of the county of Hamilton shall be considered and held to be the successor in office of Thomas S. Butler, late seminary trustee of said county, and as such, in his own name, as county auditor of Hamilton county and the successor in office of the said Thomas S. Butler, may sue for and recover, in any court having jurisdiction, any moneys due to said fund, and due upon any notes, bonds, or other securities, made payable to the said Thomas S. Butler (late seminary trustee of Hamilton county) or his successor in office; and upon the recovery and collection of any moneys as aforesaid, the same shall be paid into the county treasury of said county, for the benefit of the seminary fund of said county.

Sec. 2. All laws and parts of laws contravening or conflicting with any of the provisions of this act be and the same are hereby repealed so far as Hamilton county is concerned.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXXXII.

An Act to repeal an act entitled "An act authorizing the election of certain Officers in the town of Indianapolis," approved January 15, 1844, and reviving the old law.

[APPROVED JANUARY 19, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled "An act authorizing the election of certain officers in the town of Indianapolis," approved January 15, 1844, be and the same is hereby repealed.

Sec. 2. *Be it enacted by the authority aforesaid*, That the provisions of the former act on this subject, which were repealed by the said act of January 15, 1844, be and the same are hereby re-enacted so far as relates to the manner of electing officers of the said corporation.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER CXXXIII.

An Act to repeal an act entitled "An act to authorize the election of two additional Justices of the Peace in Shelby county," approved February 14, 1839.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the above entitled act as authorized the election of an additional justice of the peace which [who] shall reside in Morristown, Hanover township, in said county, be and the same is hereby repealed, and said justice's office hereby abolished.

SEC. 2. *And be it further enacted*, That it is hereby made the duty of the present incumbent of said office to deliver up to the nearest justice of the peace in said township his docket, together with all papers thereunto belonging.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CXXXIV.

An Act to provide for the inspection of Whiskey, in Tippecanoe county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board doing county business in Tippecanoe county are hereby authorized to appoint an inspector or inspectors of whiskey in said county, who shall hold such office during the pleasure of said board, whose duty it shall be to gauge and inspect all whiskey in barrels or hogsheads that the owner or owners thereof may require to be gauged or inspected.

SEC. 2. Each inspector shall be allowed six cents for each barrel gauged, and five cents for each mile travelled by such inspector in inspecting or gauging the same, to be paid by the owner or owners of such whiskey.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CXXXV.

An Act to organize a School District in the county of Sullivan.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the territory included within the following boundary, to-wit: beginning on the Vincennes and Terre Haute road, running thence west with the south line of Benjamin Wolf's location, number six (6), to Snapp's prairie; thence a south direction with the low lands of Busseron creek, so as to include Robert Latshaw and Vance Wolfe, so on south on Sprinkle's east line and south of John Wolfe's barn; thence nearly east to the county line in the lane between Samuel Martin and Satture's land; thence east with the same to a point running due north, so as to include Joseph W. Wolfe; thence nearly north, so as to include Jonathan Pagetts; and thence on a straight line north-west to the place of beginning, situate in the county of Sullivan, shall constitute a school district.

SEC. 2. That the citizens residing within the school district named in section one (1) of this act shall be governed by and in all respects shall be entitled and subject to all the privileges, rights, benefits, and restrictions of the laws now in force in the State of Indiana regulating common schools and the common school fund.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CXXXVI.

An Act to authorize the removal of obstructions in Big and little Blue Rivers, in Shelby county.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the supervisors of roads in the districts through which Big and Little Blue rivers run in said county, are authorized and required to remove the drift and obstructions in said rivers.

SEC. 2. It shall be the duty of said supervisors to call out the hands in said districts to remove said drift and other obstructions in said rivers in the same manner and for the same number of days, if required, as supervisors are now required by law to call out hands to work on public roads and highways.

SEC. 3. That the persons who are required to work on the public roads and highways, residing within said district, are also required to

work in removing said drift and other obstructions in said rivers, in the same manner as other persons are required to work on public roads and highways, and in default thereof shall be liable to pay the same penalties, to be recovered in the same way as prescribed by law against those failing or refusing to work on public roads and highways; and such persons so working on said rivers in said districts shall be entitled to a credit for the time he so worked on said rivers, and the time he is required to work on the public roads and highways.

Sec. 4. The supervisors of roads and highways in said districts shall be liable to the same fine and penalties [for] failing and neglecting their duties herein required, as supervisors of roads and highways are subject by law.

CHAPTER CXXXVII.

An Act relative to opening Roads in the county of Fayette.

[APPROVED JANUARY 19, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter it shall be the duty of the board of commissioners in the county of Fayette, whenever they make an order for the opening of any county road, to cause the same to be opened to such width as the public convenience may require, entering the same on the record of said county: *Provided*, That said road shall not be less than thirty (30) feet in width.

Sec. 2. If the owners or occupiers of any land through which any county road heretofore established may pass, shall feel aggrieved in consequence of the width of the same, they may petition the board doing county business, setting forth that fact, which petition shall be signed by at least twelve freeholders of the township or townships through which said road may pass, three of whom at least shall be of the immediate neighborhood: upon the presentation of such petition, if the board are of the opinion that the amount of travel on said road and the public convenience do not require it to be of the width as establisned, they shall have power to make such reduction as to them may seem reasonable, causing such alteration of the width of said road to be entered on the record book of said county board: *Provided*, That said road shall not be reduced below the width of thirty feet.

Sec. 3. All acts and parts of acts coming within the purview of this act be and the same is [are] hereby repealed so far as the county of Fayette is concerned.

Sec. 4. This act shall be in force from and after its passage.

CHAPTER CXXXVIII.

An Act for the relief of the owners of certain Canal Lands.

[APPROVED JANUARY 19, 1846.]

Whereas, Sections numbered thirty-four and thirty-six, in township number thirty-two north, of range number fourteen east, were sold by the State of Indiana, for the construction of the Wabash and Erie canal east of the mouth of the Tippecanoe river, as full sections: And Whereas, It appears from the survey of said sections by the United States that they were fractional and not full sections, by means whereof the purchasers thereof became liable to pay to the State for more than they obtained: Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the superintendent upon the Wabash and Erie canal east of the mouth of Tippecanoe river to ascertain from the register of the United States' land office at Fort Wayne, the number of acres contained in the several half-quarters of said fractional sections; and in case said half-quarter sections, or either of them, shall contain a less quantity than eighty acres, the holder of the certificate of purchase for such half-quarter section shall be entitled to a credit in proportion to such deficiency; and in case the owner or purchaser of any such tract or tracts of land shall have paid the full amount of the purchase money agreed to be paid therefor, he, she, or they shall be entitled to a certificate of the amount so overpaid, with the interest thereon from the time of payment, to be signed by said superintendent, which shall be receivable in payment for principal or interest due on any land sold for the construction of said canal east of the mouth of the Tippecanoe river.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXXXIX.

An Act to change a part of the State Road from McDonnald's ferry, in Clark county, to Brownstown, in Jackson county.

[APPROVED JANUARY 19, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Barnett R. Whitlatch, of Lexington township, Nathaniel Rollins, of said township, and William Parks, of Jennings

township, all of the county of Scott, be and they are hereby appointed commissioners to view, mark, and change a part of the State road in Scott county, beginning about one hundred yards south-east of the crossing of Little Ox's fork, near the bridge; thence to Zachariah Sutton's blacksmith shop; thence the nearest and best route to William Bennett's cooper shop; thence the nearest and best route to intersect the old road at or near William D. Garriott's, in Washington county.

SEC. 2. It shall be the duty of said commissioners to meet at Vienna, on the second Saturday in May next, or on some subsequent day thereafter, and after being duly qualified for the faithful and impartial discharge of the duties thus imposed upon them, by some acting justice of the peace of said county, shall proceed to view, mark, and change said road, if in their opinion the public good requires it.

SEC. 3. Said commissioners shall cause the said road to be surveyed by some competent surveyor, and have a plat of said road made out by said surveyor and filed with said commissioners, and said commissioners shall make a return of their proceedings, together with said plat, to the board doing county business in said county, at their next term after the same shall be completed, whose duty it shall be to have the same spread upon the records of said board; and said board shall cause said road to be opened and worked as other roads are opened and worked in said county, by the supervisors in whose district said new road may run; and said board may, if in their opinion the public good requires it, order the old road to be vacated.

SEC. 4. Said commissioners shall have power to employ as many persons as they may deem necessary to assist them in surveying and locating said road; and the board doing county business in said county shall make such allowance for said services as to them shall seem just and reasonable.

SEC. 5. Any two of said commissioners shall constitute a quorum, and shall have full power to transact said business.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXL.

An Act to enable the township of Lawrenceburgh, in Dearborn county, to turnpike all the roads within the same.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the better and permanent improvement of the

roads within said township, it shall be and hereby is made the duty of the trustees of said township, to lay off the whole road leading from Lawrenceburgh to the State line, through Hanlensburgh, so far as the same passes through said township, into one road district, and to include therein the whole of the town of Lawrenceburgh, and such portions of territory on each side of said road as shall be convenient and deemed proper by said trustees, and to direct the application of the whole of the labor and property road tax of such district, to the permanent improvement and turnpiking of said road, and continue the same from year to year until completed.

SEC. 2. In aid of such road, said trustees shall apply the whole of the property road tax assessed in such township, and hereafter the same shall, by the auditor of said county, be charged upon the duplicate of county taxes and collected as other county taxes, by the county treasurer, and paid over to the township treasurer.

SEC. 3. On petition of a majority of the citizens residing in said road district, said trustees may impose an additional tax, in work, or money, or both, in such district, and apply the same to such improvement; and in aid of the same they may appropriate such sums as they may deem expedient, out of the general funds of the township.

SEC. 4. Said trustees shall appoint a supervisor for such district, and provide for his compensation; may direct the manner in which such improvements shall be made, and if they deem it expedient, may direct that the work be done by contract, prescribing the manner in which the labor tax shall, in such case, be worked out.

SEC. 5. Whenever said road shall be completed, it shall be the duty of said trustees to select the next most important road, in said township, and in like manner to lay off a district, including said town of Lawrenceburgh, and improve the same, and so on other important roads, until all the roads in said township shall be turnpiked; after which time the powers in this act conferred shall cease, and the roads in said township shall thereafter be worked under the general or other laws of the State, applicable to said township.

SEC. 6. This act to be in force from and after its acceptance by a vote of a majority of the legal voters of said township, at the next or any other annual election for township officers, such vote to be certified to the clerk of the circuit court of said county: *Provided further*, It shall be lawful for said trustees to select which, or if thought more advisable, which two roads in said township shall first be made, under the provisions of this act.

CHAPTER CXLI.

An Act for the relief of Jacob Rozell.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the contract heretofore entered into between Jacob Rozell, of the county of Shelby, and the trustees of congressional township number thirteen north, of range eight east, be and the same is hereby legalized.

SEC. 2. It shall be the duty of the county auditor of the county of Shelby, upon being satisfied that the amount agreed to be paid by the said Jacob Rozell, as aforesaid, has been fully discharged, to make a deed to the said Rozell for thirty-three and one-third acres of land, being a part of the north-east quarter of the south-west quarter of section seventeen, township thirteen north, of range eight east.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER CXLII.

An Act for the relief of the securities of James A. Kindle, late Collector of Madison county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That if William Young, George Vineyard, Solomon Nelson, Adam Pence, Joseph Pence, Garret McCallister and the heirs of Evan Pugh, deceased, will pay, or cause to be paid, one-fifth part of two several judgments in the Madison circuit court, one in favor of the State of Indiana, and one in favor of said county of Madison, for and on accuont of the defalcation of James A. Kindle, as collector aforesaid, on or before the first day of January, 1847, with six per cent. interest thereon, and annually, thereafter, pay one-fifth part of said judgments, with interest as aforesaid, until the whole amount of such judgments be fully paid, then, and in that case, the proceedings on said judgments shall be estoped; nevertheless, if default be made on the part of the securities, as above provided, this act shall be null and void.

SEC. 2. That it shall be the duty of the clerk of the Madison circuit court, on the presentation of the necessary vouchers of the payment, in whole or in part, having been made, as above provided, to credit said judgments with the amount so paid: *Provided further*,

that the securities aforesaid, may submit the duplicate or duplicates, for the year or years that said Kindle defaulted, to the board doing county business for the county of Madison; and said board is hereby required to ascertain the amount on the duplicate that was notoriously bad at the time said collector should have filed his delinquent list, provided the same has not been heretofore allowed, and certify the amount to the clerk aforesaid, who shall enter a credit for the same.

SEC. 3. That the clerk of the circuit court of the county of Madison, is hereby authorized and required to credit the judgments before named, with any sum or sums that has heretofore, or may hereafter be collected on the duplicate or duplicates, for the year or years, that the said James A. Kindle defaulted: *Provided*, Such sum or sums has been, or may hereafter be paid to such persons as are authorized to receive and receipt for the same: *Provided further*, That nothing in this act contained, shall be so construed as to make it necessary to revive either of the beforementioned judgments by *scire facias*, if default be made, as provided in the first section of this act.

SEC. 4. This act to take effect from and after its passage.

CHAPTER CXLIII.

An Act to locate a State Road from Point Commerce, in Greene county, to the Feeder Dam on Eel River, in Clay county.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That James B. Nusom, of the county of Greene, John Adams Boyles, of Owen county, and Robert Thornton, of Clay county, be and they are hereby appointed commissioners to view, mark and locate a State Road, commencing at Point Commerce, in Greene county, and to be located from thence, upon the nearest and most suitable ground, to the feeder dam, on Eel river, in Clay county.

SEC. 2. Said commissioners shall meet at Point Commerce, in Greene county, on or before the first Monday in July next, and proceed to view, mark and locate said road, as provided in the first section of this act, and shall be governed in all respects by the law now in force, regulating the "laying out and establishing highways" in this State.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CXLIV.

An Act to provide for the support of paupers, in Allen county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That each and every township in the county of Allen shall support its own paupers, and shall severally defray all the expense of supporting the paupers of their respective townships.

SEC. 2. All laws and parts of laws which come within the purview of this act, be and the same are hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CXLV.

An Act to change the name of John Nichols to that of John Bevier Nichols.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of John Nichols, of Milford township, in Lagrange county, Indiana, be and the same is hereby changed to that of John Bevier Nichols.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXLVI.

An Act for the relief of Adam Firebaugh, of Warren county, Indiana.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the commissioner on the Wabash and Erie Canal, or his successor in office, be and he is hereby instructed and required to pay to said Adam Firebaugh the sum of twenty-nine dollars, in Wabash and Erie Canal land scrip, issued for the completion of the canal west of the Tippecanoe, out of any funds in his possession, unappropriated at the time of the passage of this act.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXLVII.

An Act to legalize certain sales therein mentioned.

[APPROVED JANUARY 19, 1846.]

WHEREAS, by the treaty of St. Mary's, made October second, 1818, twelve sections of land were agreed to be granted by the United States to Isaac Burnett, and the other grantees therein mentioned, (two sections thereof to be granted to said Isaac,) to be located at the mouths of Tippecanoe and Flint rivers, which locations were accordingly made: AND WHEREAS, sections numbered four and six of Burnett's Reservation, at the mouth of Flint river, in Tippecanoe county, were afterwards allotted as the portion of said Isaac, under said treaty: AND WHEREAS, under a decree of the Randolph probate court, at its August term, 1826, the administrators of said Isaac Burnett, with the consent of the President of the United States, sold and conveyed to James Barnett, by deeds bearing date June sixteenth, 1827, all the interest of said Isaac Burnett, in the twelve sections of land granted by said treaty, which interest is described in said deeds as being one section of said lands at the mouth of Tippecanoe river, and one section of said lands at the mouth of Flint river; which sales were approved by said probate court: AND WHEEEAS, said James Barnett, under said sales, took possession of said sections, four and six, at the mouth of Flint river; and afterwards, at the April term, 1832, of the Tippecanoe circuit court, in a bill in chancery there then determined, between the said James Barnett, complainant, and the heirs of the said Isaac Burnett, defendants, a decree was rendered by said court, confirming and quieting the title of said James Barnett to said sections, four and six: AND WHEREAS, the said James Barnett afterwards sold and conveyed the said sections, four and six, to John Sherry, for a valuable consideration: AND WHEREAS, on the ninth day of May, 1840, the said sections, four and six, were sold by the sheriff of Tippecanoe county to the State Bank of Indiana, for the use of the branch thereof at Lafayette, for the sum of eight thousand five hundred and forty-six dollars and twenty-five cents, by virtue of divers executions from the circuit court of said county, issued upon judgments against the said John Sherry and others; (one of which said judgments was rendered October tenth, 1837, in favor of the said State Bank, and the others of later and different dates, in favor of other persons;) and said two sections were accordingly sold and conveyed by said sheriff to the said State Bank, who purchased the same, as aforesaid, in order to secure a large indebtedness to her by the said John Sherry, which would otherwise have been lost: AND WHEREAS, the heirs of said Isaac Burnett, among whom are Richard Davis and William Davis, children and heirs of Nancy Davis, one of the donees in said treaty, and who are of Indian de-

scent, afterwards set up a claim to said two sections, (each to an undivided fourth part thereof,) on account of alleged error in the said probate sale and chancery suit; in order to compromise which, the said State Bank agreed to purchase the supposed interest of the said Richard Davis and William Davis, in said two sections, for the sum of thirteen hundred dollars; and the said Richard Davis, of full age, has accordingly, with the advice and consent of Jacob Walker, late his guardian, sold and conveyed all his interest in said sections, four and six, to the said State Bank of Indiana, for the use of said branch, for the sum of six hundred and fifty dollars; and the said Jacob Walker, guardian of the said William Davis, who is a minor, by virtue of a decree of the Tippecanoe probate court at its August term, 1845, has also, on behalf of said William Davis, sold and conveyed all the interest of said William Davis in the same to the said State Bank, for the use of said branch, for the like sum of six hundred and fifty dollars, which conveyances have been forwarded to the President of the United States for his approval: AND WHEREAS, it has been shown, to the satisfaction of this General Assembly, that the said sales by the said Richard Davis and Jacob Walker, guardian of said William Davis, are for the interest and advantage of said Richard Davis and William Davis: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said sales and conveyances, so made as aforesaid, be and they are hereby declared valid.

SEC. 2. That this act be in force from and after its passage, and be taken and deemed a public act.

CHAPTER CXLVIII.

An Act for the relief of James Kappeler and others.

[APPROVED JANUARY 19, 1846.]

WHEREAS, James Kappeler, John A. Backmann, and Susannah his wife, Rudolph Wegeli, and Lissetto his wife, John Fischli, (son of Casper,) John Wetli, Leodegar Benker, and Maria his wife, Clements Hanhart, and Lissetto his wife, Ulrie Wegeli, and Babette his wife, Martin Hanhart, Eliza Fischli, William Fischli, Louis Fischli, Louisa Fischli, Susannah Hanhart, Babette Hanhart and Maria Hanhart, of Switzerland, in Europe, and Henry Fischli, of Jackson county, in this State, have represented to this General Assembly that they are nephews and neices, or their descendants, of John Fischli, late of Clark county, in this State, deceased, who

died in 1838, seized, in fee of divers lands in Clark, Jackson and Jennings counties in this State, and that doubts have arisen whether said lands have not escheated to this State, on account of the alienage of the kindred of said decedent, at his death; and praying that whatever interest or estate, if any, in said lands would have descended to said petitioners, as heirs of said decedent, had they been citizens at his death, may be declared to be now vested in them respectively, and that they may be authorized to sell and convey the same: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Kappeler, John A. Backmann, and Susannah his wife, Rudolph Wegeli, and Lissetto his wife, John Fischli, (son of Casper,) John Wetli, Leodegar Benker, and Maria his wife, Clements Hanhart, and Lissetto his wife, Ulrie Wegeli, and Babette his wife, Martin Hanhart, Henry Fischli, Eliza Fischli, William Fischli, Louisa Fischli, Susannah Hanhart, Louis Fischli, Barbette Hanhart and Maria Hanhart, shall, respectively, have and hold the same interest in the lands of which said John Fischli died seized, as would have vested in them, or in the ancestors of any of them, as heirs of said decedent, had they been citizens of the State at the time of his death, but the rights of no other person than the State of Indiana, shall be affected by this section: *Provided however*, That nothing in this act contained shall be so construed as to affect, in any way, any donations hertofore made by said John Fischli, deceased, to the State of Indiana.

SEC. 2. Said James Kappeler, John A. Backmann, and Susannah his wife, Rudolph Wegeli, and Lissetto his wife, John Fischli, (son of Casper,) John Wetli, Leodegar Benker, and Maria his wife, Clements Hanhart, and Lissetto his wife, Ulrie Wegeli, and Barbette his wife, and Martin Hanhart, are authorized, jointly or severally, in person or by attorney, and without coming to the United States, to sell and convey whatever interest or estate they may have in said lands by virtue of their relation to said decedent and of the first section hereof, and to receive the proceeds of such sales.

SEC. 3. The Clark circuit court is authorized, at its next or any subsequent term, to appoint, for said Henry Fischli, Eliza Fischli, William Fischli, Louis Fischli, Louisa Fischli, Susannah Hanhart, Babette Hanhart and Maria Hanhart, (who are alleged to be infants under twenty-one years of age,) one or more guardians, who shall be sworn, and give bond to the State of Indiana, in such sum and with such security as said court shall appoint, for the faithful discharge of their duties as such guardians; and said guardians shall then have power to sell and convey whatever interest or estate, if any, in said lands would have descended to said infants, or any ancestors of any of them, as heirs of said decedent, had they been citizens of this State at his death; such sales to be at public auction or private sale, and at such times and places and on such terms as said court shall

appoint; and the proceeds of the sales shall be paid to said infants as said court shall direct.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CXLIX.

An Act to divorce Maria Heritage (late Maria Miller) from her husband Joseph Heritage, late of Vigo county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bonds of matrimony heretofore existing between the said Maria Heritage and the said Joseph Heritage, be and the same are hereby dissolved.

SEC. 2. That the bonds of matrimony existing between Henry Vest and Nancy Vest his wife, be and the same are hereby dissolved; and the said Nancy Vest shall have the control and management of her children.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CL.

An Act to vacate sixteen Town Lots in the town of Harrisonville.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That lots numbers seventy-one, seventy-two, forty-one, forty-two, thirty-one, twenty-nine, thirty, thirty-two, seventy-three, seventy-four, eighty-seven, eighty-eight, eighty-nine, ninety, one hundred and nineteen and one hundred and twenty, in the town of Harrisonville, in the county of Martin, be and the same are hereby vacated, together with the alleys between said lots.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CLI.

An Act to incorporate the Fort Wayne and Lima Turnpike Company.

[*Not signed by the officers, or approved.*]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Elihu Wadsworth, Asa Brown, Joseph Graden, sen., Samuel Hanna, James A. F. Nichols, John Shoaff, Ludlum S. Chittenden, S. P. Williams, Delivan Martin, Levi Wright, and Charles W. Vaughan, and their successors in office, duly elected as hereinafter directed, are hereby constituted and appointed a body politic and corporate, and by the name and style of the "Fort Wayne and Lima Turnpike Company," shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto in any and all courts of justice whatever; to make and use a common seal, and the same to alter, change, or renew at pleasure; and shall be able and capable in law to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules, and regulations to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

SEC. 2. Capital stock of said corporation shall be fifty thousand dollars, divided into shares of ten dollars, with power to increase the capital stock, if necessary to accomplish the objects herein contemplated.

SEC. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree on, and organize said corporation by electing one of their body president, and after such organization, a majority of said board shall be a quorum to do business.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other persons and officers necessary to carry into effect the provisions of this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws and regulations, and all orders for the payment of such allowances as may be made to their officers, and all others in their employment, which journal and proceedings shall from time to time be signed by their president; they shall sit upon their own adjournments, or on the call of the president; when the president is absent, they may appoint a president *pro tempore*, and shall fill all vacancies that may occur in their body.

SEC. 5. The corporation shall cause books to be opened for subscriptions to the capital stock, at such time and at such places as they may choose, due notice of which shall be given, in each of which books the following entry shall be made: "We, the undersigned, promise to pay the sum of ten dollars for each share of stock set opposite our names, in labor, materials, land, or money, (the value

of the first to be settled by the board of directors), in such manner and at such times and proportions as the president and directors of the Fort Wayne and Lima turnpike company may direct. Witness our hands this —— day of ————, A. D. 18—.

Sec. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of any State of the United States on behalf of the same, to subscribe for any amount of capital stock; and the books shall be kept open for such space of time and at such place or places as the corporation may, by their agents, offer for sale in any other State, any amount of stock, upon such terms and conditions as may be thought advisable; and they shall have power, upon their own credit, to borrow money upon such terms, or raise means in such other way as may be agreed upon by the parties, or seems necessary to complete such road as is contemplated in this charter.

Sec. 7. As soon as one hundred shares are subscribed, it shall be the duty of the corporation to give three weeks' notice thereof in the nearest newspaper printed in the vicinity of said contemplated road, and in such notice to appoint a time and place for the stockholders to meet and elect nine directors, who shall be stockholders, and citizens of the State, which election shall be held within three months after the last share in the one hundred shares shall be subscribed for, and shall be conducted by two judges appointed by the stockholders present, and the persons having a plurality of the votes given and counted in public, shall be declared duly elected: no share shall have a right to vote at any election unless the same shall be held one month previous to the election; in all elections one share shall entitle the holder to one vote only; and votes may be given by persons holding the same, or by one of any partners, or by the husband, father, mother, executor or administrator, trustee or guardian, or by the authorized agent of any corporation, State, United States, or any person having a right to vote may vote by proxy.

Sec. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body president; and directors thus elected shall continue in office until the next annual election, and until their successors are elected and organized.

Sec. 9. All elections, after the first, shall be held on the first Tuesday of December, annually, under the direction of the stockholders, not directors at the time, to be appointed by the board at a previous meeting, or by the stockholders present, of which election notice shall be given: *Provided*, That if from any cause whatever there shall be no election held on the day appointed, it shall be lawful to hold the election on any other day, to be designated by the directors.

Sec. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; they shall be signed by the president, and countersigned by the clerk: stock shall be transferable on the books of the corporation only personally, or by an agent or attorney, or by the administrators, executors, trustees, or guardians; but such stock shall at all times be holden thereof to the corporation, or for any sum that may thereafter become due on a contract made prior to such transfer.

Sec. 11. The corporation shall have power to call for such part of the stock subscribed as may seem to them necessary to carry on the work, to be paid by the stockholders in such material, land, labor, or money as shall have been designated by the party subscribing for such stock, to be paid at such time and place as the board of directors may designate, by giving sixty days' notice in one of the nearest newspapers to said route, or by giving written notice to the stockholders; in all such notices the amount demanded on each share, and the time and place of payment shall be set forth, and it shall be the duty of the board of directors to give to each person subscribing for stock in materials or labor, to furnish the same upon the road most convenient to his premises; and if any stockholder shall neglect or refuse to pay or furnish such requisition within ten days after the time mentioned in such notice for such payment, the corporation shall have power to collect the same by an action at law, in any court of competent jurisdiction, the same to be collected without the benefit of appraisement laws.

Sec. 12. The corporation shall require of all officers and others in their employment, bond, with security to their acceptance, with such penalty or penalties as they may think proper for the faithful performance of their respective duties.

Sec. 13. The corporation, by their agent, shall have power from time to time to examine, mark, and locate the rout of said turnpike road from Fort Wayne, Allen county, to Lima, Lagrange county, with power to diverge from a direct line, for the interest of the company and public convenience: such road shall not exceed one hundred feet in width.

Sec. 14. And for the purpose of making such examinations and location, it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any lands to make survey and estimates, for the purpose of searching for stone, gravel, wood, or other materials necessary for the construction of said road.

Sec. 15. It shall be lawful for the corporation, either before or after the location of any section of said road, to obtain from the person or persons through whose lands said road may pass, a relinquishment of so much of said land as may be necessary for the construction of said road, or location thereof, as also the stone, gravel, wood, timber, or other materials that may be obtained on said rout, or near thereto, for the benefit of said corporation; and all such contracts, relinquishments, donations, gifts, grants, and bequests, made and entered into in writing by any person or persons capable in law to contract, made in consideration of such location, or otherwise, and for the benefit of said corporation, shall be binding and obligatory, and the corporation may have their action at law in any court of competent jurisdiction, to compel the observance of the same.

SEC. 16. The corporation shall cause said road to be opened not exceeding one hundred feet wide, and at least twenty feet shall be made an artificial road (except at such points as may be upon a good natural road already in use), and such road to be covered with gravel, sand, wood, stone, coal, clay, or such other materials as can best be secured, to be put on in as compact a manner as is usual for such materials.

SEC. 17. If it shall be found convenient or advantageous to the construction and location of said road, the corporation shall have the right to lay the same along or upon any State or county road: *Provided*, That all State and county roads crossing said turnpike road shall be left open and free:

SEC. 18. That when said road, or any particular section thereof, shall be located, it shall be the duty of said corporation to cause a plat or plats thereof to be deposited in the office of the county auditor in the county where such road is located, and after that time it shall not be lawful for said corporation to alter or change any part thereof, unless said corporation pay the owner or owners of the land on said rout the amount of damage they may sustain by such change.

SEC. 19. That if said road, after its completion, or any section thereof, shall be suffered to go to decay, or be impassable one year, unless the same is repairing, this charter shall be considered as forfeited.

SEC. 20. The corporation shall commence the construction of said road within three years and complete the same within eight years; and whenever five continuous miles of said road shall be completed agreeably to the provisions of this act, the county commissioners of the proper county shall appoint an agent to examine the same, and report his opinion, in writing, to the corporation; and if said road report shall state the road, or any continuous five miles of the same, to be completed agreeably to the provisions of this act, the corporation may then erect a gate or gates at suitable distances apart, not less than five miles, and demand and receive of all persons travelling said road such tolls and at such rates as the said corporation may determine upon to collect and receive from all persons travelling, or for the privilege of driving all kinds of live stock, wagons and teams, pleasure carriages, sleighs, and all other vehicles and things that may pass said road, or any part thereof, as shall be for the interest of said company, and the same to change, lower, or raise at pleasure: a list of the rates established from time to time shall be posted up at some conspicuous place or places at each gate.

SEC. 21. If any person or persons using said road shall, with intent to defraud said company, or to avoid the payment of toll, pass through any private way, gate, or bars, or along any other ground near to said turnpike gate which shall be enclosed pursuant to this act, or shall practise any fraudulent means with intent to evade or lessen the payment of such toll, or if any person shall take another person off said road, with intent to defraud said corporation, each

and every person concerned in such fraudulent practice, shall for every such offence forfeit and pay to the corporation the sum of five dollars, without any benefit of appraisement or stay laws, to be recovered, with costs of suit, in an action of debt at the suit of the corporation, before any justice of the peace in the county: *Provided*, That nothing in this act shall be so construed as to prevent persons residing along said road from passing about their premises, between the gates on said road, upon ordinary business.

SEC. 22. The company shall put up a post or stone at the end of every mile, with the number of miles from the place where the road may commence fairly cut or painted thereon, and also in a conspicuous place near each gate shall be placed a board with the rates of toll fairly painted thereon, and all other necessary matter in relation to direction.

SEC. 23. Any person wilfully or negligently destroying, defacing, or removing any guide board, mile post or stone, or list of rates of toll created on said road, shall, on conviction therof before any justice of the peace or court having competent jurisdiction, forfeit and pay a sum not exceeding twenty dollars, to be recovered with costs of suit, in an action on the case, at the suit and for the use of the corporation.

SEC. 24. If any toll gatherer on said road shall unreasonably detain any passenger after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed, he shall for every such offence forfeit and pay a sum not exceeding ten dollars, to be recovered before any justice of the peace having competent jurisdiction, within twenty days after the occurrence.

SEC. 25. The corporation shall cause to be kept a fair account of the whole expenses of making and repairing the road, or any section thereof, with incidental expenses; and also a fair account of the tolls received; and the books of the corporation shall always be kept open for the inspection of an authorized agent of the State, or stockholders of said company; and the company shall have the right to sell the stock to the State upon such terms as they can agree.

SEC. 26. This charter shall be limited to fifty years in its duration, and be in force from and after its passage, and be liberally construed as a public act, for all beneficial purposes.

SEC. 27. Every person residing on premises through or touching which said road passes, shall have the privilege at all times of passing and going over and along said road for the distance of one and a half miles each way from his place of residence, without paying any toll or charge for himself, or any of his cattle, teams, or property.

SEC. 28. The directors that may contract any debts over and above the amount of stock secured, shall be individually liable in their individual capacity for the payment of all dues to laborers, for work done upon said road, which shall not have been paid when due by the company in its corporate capacity.

SEC. 29. The Legislature reserves the right to repeal this charter whenever any of its provisions are violated; but if repealed, the assets, after the payment of all liabilities, shall be divided among the several stockholders, in proportion to the amount of stock paid in by each.

CHAPTER CLII.

An Act amendatory to "An act authorizing the President and Council of the town of Lawrenceburgh to subscribe for and take part of the capital stock of the Lawrenceburgh and Napoleon Turnpike Company," approved January 13, 1845.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the president and select council of the town of Lawrenceburgh shall have power and authority to subscribe for and take forty thousand dollars of the capital stock of the Lawrenceburgh and Napoleon turnpike company; and to raise funds for the payment of such stock, shall have power and authority to make, issue, and sell their bonds, under the seal of said corporation, of a denomination not less than fifty dollars, payable in not less than twenty-five years from their date, and bearing interest at the rate of six per cent., payable annually, and therein pledge to the holders of such bonds, that the stock so taken in said turnpike company shall, with all dividends accruing thereon, be held and bound for the payment of said bonds and accruing interest, and also that the interest coupons after due, shall be receivable at all times for payment of taxes due to said corporation.

SEC. 2. *Be it further enacted*, That if this amendment is accepted and approved by said corporation, it shall not be lawful for said corporate authorities to apply the proceeds of said bonds so issued in any manner except in the continuous construction of said Lawrenceburgh and Napoleon Turnpike road, commencing at and from Lawrenceburgh, nor shall said bonds be sold for less than their then par value; nor shall the State of Indiana in any manner whatever be bound or held responsible for the payment of said bonds.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force when accepted and approved by a majority of the legal voters in the said town of Lawrenceburgh.

CHAPTER CLIII.

An Act providing for a change in the location of the Feeder Dam across Sugar creek, in Parke county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the officer having charge of the Wabash and Erie canal between Covington and Terre Haute shall change the present location of the feeder dam across Sugar creek in Parke county, and establish the location of said dam on a point of said creek commonly known as the Swallows' Rock, and shall provide for the construction of a navigable feeder from said point down said creek, to connect with the feeder already partly constructed: *Provided*, Said alteration will not materially increase the cost of said work, taking into consideration the damages that would result from its present location.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLIV.

An Act to locate a State Road in the counties of Fountain and Warren.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That William S. Crane be and he is hereby appointed a commissioner to view, mark, and locate a State road, commencing at Liberty street, on the bank of the Wabash river, in the town of Covington, and county of Fountain, from thence in a northerly direction on or near the bank of the Wabash river, to a point opposite, or nearly opposite Strange's bluff, as may be determined by said commissioner; thence across the Wabash river to a point in Warren county, to intersect the road leading from Crawfordsville, in Indiana, to Danville, in Illinois, at a point to be designated by the said commissioner.

SEC. 2. The said commissioner, on the first day of February, 1846, or some subsequent day, after taking an oath faithfully and impartially to discharge the duties assigned by this act, shall proceed to view, mark, and locate the aforesaid road, and shall, within ten days after the location of the same, file a report of the proceedings in the Auditor's office of the said counties in which the said road is located; which report shall be recorded in the record books of the boards doing county business in said counties.

SEC. 3. Said commissioner is hereby empowered to employ such assistance as he may deem necessary for the location of said road, who shall receive for their services, from the county treasury of Fountain county, the amount which may be directed by the board doing county business in said county.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAPTER CLV.

An Act for the relief of John C. Parker.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of sinking fund commissioners are hereby authorized and empowered to extend to John C. Parker the privilege of releasing the amount of railroad stock in the Madison and Indianapolis railroad company, mortgaged or assigned by said John C. Parker as security to said fund for a certain amount of money borrowed by him, and for which he stands indebted, on conditions that the said John C. Parker shall give such mortgage security on unincumbered real estate as may be approved of by said board of sinking fund commissioners.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CLVI.

An Act to amend "An act to incorporate the Lawrenceburgh and Harrison Turnpike Company," approved January 6, 1836.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the nineteenth section of the above recited act be revived so as to extend the time of commencing the construction and completion of five miles of said road to five years from and after the passage of this act.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CLVII.

An Act to provide for the continuation of the Madison and Indianapolis Railroad to Lafayette.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the provisions, rights, privileges, powers and immunities, enacted, granted and provided by an act of the General Assembly of this State, entitled "An act to provide for the continuance of the construction of all or any part of the public works of this State, by private companies, and for abolishing the board of internal improvements, and the offices of fund commissioner and chief engineer," approved January 28th, 1842, to private companies, for the constructing or repairing any one or more of the works of internal improvements, referred to in said act, be and the same are hereby granted, enacted, and conferred upon, and vested in any number of persons who may, in accordance with the provisions of said act, and of this act, associate themselves together for the continuation of said Railroad to Lafayette, on the most eligible route, by way of Lebanon, in Boone county, except as in this act altered and restricted.

SEC. 2. That the association to be formed for the purpose aforesaid, shall be styled "the Lafayette and Indianapolis Railroad company," and by such name shall contract and be contracted with, sue and be sued, and when organized, under the provisions of this act, and of the act in the first section above referred to, shall have full power and authority to do and perform all and every act or acts, and every other matter or thing necessary to be done, under the provisions aforesaid, for the construction and continuation of said road.

SEC. 3. That Jacob Walker, William F. Reynolds, William Heaton, John Purdue, James H. Major, Joseph S. Hanna, John McCutchen and Philip Foresman, of the county of Tippecanoe, Silas S. White, John Pearce, John J. Nesbit, Jesse L. Benson, William Zion, Samuel S. Strong, William P. Davis, Robert Olive and George Cook, of the county of Boone, and Hugh O'Neal and Aaron Gullifer, of the county of Marion, or a majority of them, be and they are hereby appointed commissioners to open books at suitable places in said State and elsewhere, for the subscription of the capital stock of said company, at any time within two years from the passage of this act: *Provided*, That said commissioners, or a majority of them, shall give three weeks' public notice of the times and places of the opening of said books, by publication in some newspaper printed at Indianapolis and Lafayette.

SEC. 4. That the capital of said company shall consist of subscriptions of stock, to be subscribed in money, labor or materials, for the construction of said work, or lands to be subscribed and holden and appropriated as by the act in the first section above referred to,

is provided and appointed, and shall not exceed the sum of nine hundred thousand dollars; and whenever twenty thousand dollars thereof shall be subscribed, as the capital of said company, and paid, or secured to be paid, or transferred to the commissioners aforesaid, or a majority of them, then the said commissioners, or a majority of them, shall order an election of directors of said company, according to the provisions of the act aforesaid.

SEC. 5. The said company and directors thereof, shall thereafter proceed to mark and lay out said road, on the nearest and best route, and in the construction thereof, and when fully constructed, shall be governed by the provisions of the act above referred, [to,] except as herein modified: *Provided*, That all publications required to be made by said company, shall be made in some newspaper published at Lafayette or Indianapolis.

SEC. 6. The company aforesaid, shall commence the construction of said road within five years after the passage of this act, and complete the same within fifteen years thereafter.

SEC. 7. The stockholders shall be individually liable for the payment of all dues to laborers, who shall work upon said road, that shall not be paid when due, by said company, in its corporate capacity.

SEC. 8. The legislature reserves the right to repeal this act, whenever said corporation shall violate any provision of this act; and in case of the repeal at any time of the corporate powers hereby vested, the assets of said corporation, over and above its liabilities, shall revert to the stockholders, in proportion to the stock by them held.

SEC. 9. This act shall be deemed and taken to be a public act, shall be favorably construed, and be in force from and after its passage.

CHAPTER CLVIII.

An Act to amend an act to incorporate "the Indiana Church," approved December 7th, 1810, and an act amendatory thereto, approved January 22d, 1818.

[APPROVED JANUARY 19, 1846.]

WHEREAS, since the passage of said acts, to which this is an amendment, it has been found convenient, it has been found necessary, to erect two churches, known as "the Upper Indiana Church" and "the Lower Indiana Church," and to establish a separate ecclesiastical organization at each, it still being necessary to hold their real and personal estate, by said common act of incorporation, and to keep up under the same third organization, to manage and control the same: *Now therefore*, To obviate these difficulties, and to enable each parish to hold and manage the property, both real and personal, of said corporation, meant and intended for the separate use and benefit of each of said churches,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That said acts shall be so modified and amended, as not to conflict with the provisions of this act.

SEC. 2. That hereafter, William Williams, Robert G. McClure, Abel Westfall and Archibald McKee, the elders, and Meredith Bowman, Archibald Simpson, Thomas Adams and James McCoy, the deacons of the Indiana church, and their successors in office, the elders and deacons of said church, for the time being, shall be the trustees of the said the Indiana church; and by said name they shall continue to have, as the successors of [the] present trustees, perpetual succession, and shall be invested with all the powers, rights, privileges and immunities, given by said two acts, of which this is an amendment, and shall have and hold, manage and control all the property, both real and personal, meant and intended for the use of the said Lower Indiana church.

SEC. 3. That Samuel Thompson, senior, Samuel Thompson, junior, John McCord, senior, the elders, and William Simpson, George W. Potter, Alfred McClure and Benjamin Armstrong, the deacons of the Upper Indiana church, and their successors in office, the elders and deacons of said church, shall be a body corporate and politic, in deed, fact and name, by the name and style of "the Upper Indiana Church," by which name they shall have perpetual succession, and be invested with all the powers, rights, privileges and immunities, granted to said "the Indiana Church," by this act, or said two acts, to which this is an amendment.

SEC. 4. That all acts of the trustees of said "the Indiana Church," or the officers or trustees of the said Upper or Lower churches, are so far legalized as not in any manner to affect the validity of the title of either to the real or personal property acquired by them.

SEC. 5. This act to take effect from and after its passage.

CHAPTER CLIX.

An Act abolishing the Road tax in the county of Daviess.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of chapter sixteen, article fourth, of the Revised Statutes of 1843 as imposes a highway tax on real estate, is hereby repealed, so far as the county of Daviess is concerned.

SEC. 2. And it is hereby made the duty of the several supervisors of said county, to keep the roads in their respective districts in good repair; and they are hereby authorized and empowered to call out all the hands in their districts, from time to time, as the case may require, for that purpose.

SEC. 3. All laws and parts of laws, coming within the purview of this act, is [are] hereby repealed.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CLX.

An Act to revive a certain act therein named.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled "An act to incorporate certain turnpike companies therein named," approved January 29th, 1839, be and the same is hereby revived, and so amended as to give said companies ten years longer time for the commencement and completion of said turnpike road, than contemplated in said act.

SEC. 2. The directors of said companies shall be liable, individually, for the payment of all debts contracted by them, over and above the amount of solvent stock subscribed and secured to their respective companies; and the legislature reserves the right to amend or repeal this act.

SEC. 3. This act to take effect from and after its passage.

CHAPTER CLXI.

An Act for the relief of Survilar Jane Neal (late Eudaly.)

[APPROVED JANUARY 17, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the marriage tie hertofore existing between said Survilar Jane Neal, (late Eudaly,) of Marion county, and Richard B. Neal, be and the same is hereby dissolved.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXII.

An Act to incorporate the Ohio and Indianapolis Railroad Company.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That A. Wathen, William Hart, W. D. Beach, Daniel Trotter, W. F. Collum, James Keigwin, Abraham Miller and William G. Armstrong, of the town of Jeffersonville, Allen Barnett, of the town of Charlestown, Jonathan Johnson and Ambrose D. Hawkins, of the county of Scott, and C. A. Chawner and Benjamin Irwin, of Bartholomew county, be and they are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Ohio and Indianapolis Railroad Company, hereby incorporated; and they, or a majority of them, may cause books to be opened, at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of the said company, after having given such notice of the time and place of opening the same, as they may deem proper; and that after the first opening of said books, they shall be kept open for at least thirty successive days, from ten o'clock, A. M., until two o'clock, P. M., and if at the expiration of that period, such a subscription to the capital stock of the said company as is necessary to its incorporation, shall not have been obtained, the said commissioners, or a majority of them, may cause the said books to be opened, from time to time, after the expiration of said thirty days, for the space of twelve months thereafter, or until the sum necessary to the incorporation of the said company shall be subscribed; and if any of the commissioners shall die, resign, or refuse to act, another may be appointed in his stead, by the remaining commissioners, or a majority of them.

SEC. 2. That the capital stock of the said Ohio and Indianapolis Railroad company shall be one million of dollars, in shares of one hundred dollars each, which may be subscribed for by any individual or corporation; and as soon as one thousand shares of said capital stock shall be subscribed, the subscribers of the said stock, their successors and assigns, shall be and they are hereby declared to be incorporated into a company by the name of "the Ohio and Indianapolis Railroad Company," and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying real estate, not exceeding two thousand acres of land, and personal and mixed estates, so far as the same shall be necessary for the purposes hereinafter mentioned, and no farther, and shall have perpetual succession, and by said corporate name may sue and be sued, and may have and use a common seal, which they shall have power to alter or renew at their pleasure, and shall have, enjoy and may exercise, all the powers, rights, and privileges which other corporate bodies may lawfully do, for the purposes mentioned in this act.

SEC. 3. That if more than ten thousand shares shall be subscribed to the capital stock of said company, the said commissioners, or a majority of them, shall reduce, by striking off from the the largest number of shares, in succession, until the subscriptions are all reduced to ten thousand shares.

SEC. 4. That at every such subscription, there shall be paid at the time of subscribing, to the said commissioners, or their agents appointed to receive such subscription, either in money or in a note negotiable and payable at some bank, at sixty days' date or longer, at the option of the said commissioners, or their agents, the sum of one dollar on every share subscribed, and the residue thereof shall be paid in such instalments and at such times, as may be required by the president and directors of said company: *Provided*, No payment shall be demanded until at least thirty days' public notice of such demand shall have been given by the said president and directors, nor shall more than twenty-five per cent. of each share of stock be called for in one year; but if the exigencies of the company should require a larger amount of money than can be thus raised, and should the president and directors, or a majority of the whole number elected, consider it expedient for aiding the stockholders, or hastening the completion of the contemplated road, it shall be lawful for them to borrow, on the credit of the said company, a sum of money not exceeding five hundred thousand dollars: and if any subscriber shall fail or neglect to pay any instalment or part of said subscription, demanded according to the provisions of this section, for the space of sixty days next after the same shall be due and payable, the stock on which it is demanded shall be forfeited to the company, and may be sold by the said president and directors, for the benefit of the company; but the president and directors may, by a majority of their whole board, remit any such forfeiture, on such terms as they shall deem proper.

SEC. 5. That if the subscription herein made necessary to the incorporation of said company, shall not be obtained within the term of five years after the first opening of the subscription books by the said commissioners, this act, and all the subscriptions made under it, shall be null and void, and the said commissioners, after discharging the expenses of opening the books, shall return the residue of the money paid in upon such subscriptions, to the several subscribers, in proportion to the sums respectively paid in by them.

SEC. 6. That at the expiration of the thirty days for which the books are first opened, if one thousand shares of the capital stock shall have been subscribed, or if not, as soon thereafter as the same may be subscribed, if within five years from the first opening of the books, the said commissioners, or a majority of them, shall call a general meeting of the subscribers, at such time and place as they shall appoint, and shall give at least twenty days' public notice thereof; and at such meeting the said commissioners shall lay the subscription books before the subscribers, then and there present, and thereupon the said subscribers, or a majority of them there present, shall from the stockholders elect twelve directors, by ballot, to manage the affairs of

the said company; and those twelve directors, or a majority of them, shall have the power of electing a president of said company, either from among the directors or any other stockholder, and of allowing him such compensation for his services as they may deem proper; and that in said election, and on all other occasions, where a vote of the stockholders is to be taken, each stockholder shall be allowed one vote for every share owned by it, him or her, and every stockholder may depute, in writing, any other person to vote and act for it, him or her, as its, his or her proxy; and the commissioners aforesaid, or any three or more of them, shall be judges of the said first election of directors.

SEC. 7. That to continue the succession of the said president and directors of said company, twelve directors shall be chosen annually, on the third Monday in May in every year, in the town of Jeffersonville, by the stockholders of the said company, and that the directors of the said company, or a majority of them, shall have power to appoint judges of all elections, and to elect a president of said company, either from amongst the directors or any other stockholder, and to allow him such compensation for his services as they may deem proper; and if any vacancy shall occur, by death or resignation, or refusal to act, of any president or director, before the year for which he was elected has expired, a person to fill such vacant place for the residue of the year may be appointed by the president and directors of said company, or a majority of them; and that the president and directors of said company shall hold and exercise their office until a new election of president and directors; and that all elections, which are by this act, or the by-laws of said company, to be made on a particular day or at a particular time, if not made on such day or time, may be made at any time within thirty days thereafter.

SEC. 8. That a general meeting of the stockholders of said company may be called at any time during the interval, between the annual meetings, by the president and directors, or a majority of them, or by the stockholders, owning at least one-fourth of the whole stock subscribed, upon giving thirty days' public notice of the time of holding the same; and when any such meetings are called by the stockholders, such notice shall specify the particular object of the call; and if at any such called meeting a majority (in value) of the stockholders of said company are not present, in person or by proxy, such meeting shall be adjourned from day to day, without transacting any business, for any length of time not exceeding three days; and if within said three days, stockholders having a majority of the shares do not attend, such meeting shall be dissolved.

SEC. 9. That at the regular annual meeting of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the company; that at any called meeting of the stockholders, a majority (in value) of the whole stock subscribed being present, or a majority (in value) of the attending stockholders, may require similar statements of the president and directors, whose

duty it shall be to furnish them, when thus required; and that at all general meetings of the stockholders, a majority (in value) of all the stockholders in said company may remove from office the president or any of the directors of said company, and fill up vacancies thus created, in the same way and to the same extent, that they could do at their stated annual meetings.

SEC. 10. That every president and director of said company, before he acts as such, shall swear or affirm as the case may be, that he will well and truly discharge the duties of his said office, to the best of his skill and ability.

SEC. 11. That if any of the stock created by virtue of this act, shall remain unsubscribed until after the election of the president and directors, as provided for in the sixth section of this act, the said president and directors, or a majority of them, shall have power to open books and receive subscriptions to any of the capital stock of said company, which may remain unsubscribed for, or to sell, or to dispose of such unsubscribed stock, for the benefit of the company, for any sum not under its par value; and the purchasers or subscribers of such stock shall have all the rights, powers and privileges of original subscribers, and shall be subject to the same regulations.

SEC. 12. That the said president and directors, or a majority of them, may appoint all such officers, engineers, agents or servants, whatsoever, as they may deem necessary for the transaction of the business of the company, and may remove any of them at their pleasure; and they, or a majority of them, shall have power to determine by contract, the compensation of all the engineers, officers, agents, servants, or others in the employ of the said company, and to regulate by their by-laws, the manner of adjusting and settling all accounts against the company; that they, or a majority of them, shall have power to erect buildings, for the safe-keeping of articles entrusted with them for transportation, and for work-shops necessary for the business of the company; that they, or a majority of them, shall have power to direct the manner and by what evidence stock in said company may be transferred, and to pass all by-laws which they may deem necessary or proper for exercising all the powers vested in the company hereby incorporated, and for carrying the object of this act into effect: *Provided only*, That such by-laws shall not be contrary to the constitution and laws of the United States, or the constitution and laws of the State of Indiana.

SEC. 13. That if the capital stock of said company shall be deemed insufficient for the purposes of this act, it shall and may be lawful for the president and directors of said company, or a majority of them, from time to time, to increase the capital stock, by the addition of as many shares as they may deem necessary, not exceeding in amount one million of dollars, for which they may, at their option, cause subscriptions to be received, giving notice as hereinbefore prescribed, or may sell the same for the benefit of the company, for any sum not under their par value.

SEC. 14. That the president and directors of said company shall

be, and they are hereby invested with all the rights and powers necessary for the construction and repair of a Railroad from the town of Jeffersonville, near the falls of the Ohio, to the town of Columbus, in the county of Bartholomew, not exceeding sixty feet wide, with as many set of tracks as the said president and directors may deem necessary; and that they may cause to be made, or contract with others for making said Railroad or any part of it, and they, their agents or those with whom they may contract for making any part of the same, or their agents may enter upon and use and excavate any land which may be wanted for the site of said road, or the erection of ware-houses or other works necessary to said road, or for any other purpose necessary or useful in the construction or repair of said road, or its works; and that they may build bridges, provided the same do not obstruct the navigation on navigable streams; may fix scales and weights; may lay rails; may take and use any earth, timber, gravel, stone, or other materials which may be wanted for the construction or repair of said road or any part of its works, and may make and construct all works whatsoever, which may be necessary and expedient, in order to the proper completion of said road.

SEC. 15. That the president and directors of said company, or a majority of them, or any person or persons authorized by a majority of them, may agree with the owner or owners of any land, earth, timber, gravel, or stone, or other materials, or any improvements which may be wanted for the construction or repair of any of said road, or any of their works, for the purchase, or use and occupation of the same; and if they cannot agree, and if the owner or owners of any of them be a *feme covert*, under age, *non compos mentis*, or out of the county in which the property wanted may lie, when such land or materials shall be wanted, application may be made to any justice of the peace in the county where such land or materials shall lie, who shall thereupon issue his warrant, under his hand and seal, directed to the sheriff of said county, requiring him to summon a jury of twenty inhabitants of said county, not related or in any wise interested, to meet on the land or near to the other property or materials to be valued, on a day named in said warrant, not less than ten nor more than twenty days after the issuing of the same; and if at said time and place, any of said jurors summoned do not attend, the said sheriff shall summon, immediately, as many jurors as may be necessary with the jurors in attendance, to furnish a panel of twenty jurors in attendance; and from them each party, its, his, or her, or their agent, if either be not present in person or by agent, then the sheriff, for it, him, or her, may strike off four jurors, and the remaining shall act as the jury of inquest of damages; and before they act as such, the said sheriff shall administer to each of them an oath, or affirmation as the case may be, that he will justly and impartially value the damages which the owner or owners will sustain, by the use or occupation of the land, materials or other property required by the company; and the jury estimating such damages, shall take into the estimate the benefit resulting to the owner or owners from the construction of the said

Railroad through, along or over the property of said owner or owners; but only in extinguishment of the claim for damages; and the jury shall reduce their inquisition to writing and shall sign and seal the same, and it shall then be returned by the said sheriff to the clerk of the circuit court of his county, and by such clerk filed in his office, and shall be confirmed by the circuit court of said county at its next session, if not sufficient cause to the contrary be shown; and when confirmed shall be recorded by said clerk, at the expense of said company; but if set aside by said court, for good cause shown, the said court shall direct another inquisition to be taken in the same manner as above prescribed; and such inquisition shall describe the property taken or the bounds of the land condemned; and the quantity or duration of the interest of the owner or owners in the same, valued for the company; and such valuation, when paid or tendered to the owner or owners of said property, or his, or her, or their legal representative, shall entitle the said company to the estate and interest in the same, thus valued, as full, as if it had been conveyed by the owner or owners of the same; and the valuation if not received when tendered, may at any time thereafter be received from the company, without cost, by the owner or owners, his, her, or their legal representative or representatives.

Sec. 16. That if the said company shall neglect to provide proper wagon-ways across said road, as required by the nineteenth section of this act, it shall be lawful for any individual to sue said company, and be entitled to such damages as a jury may think him or her entitled to, for such neglect or refusal on the part of said company.

Sec. 17. That whenever it shall be necessary for said company to have, use or occupy any lands, materials, or other property, in order to the construction or repair of any part of said road or roads, or their works, or necessary buildings, the president and directors of said company, or their agents, or those contracting with them for making or repairing the same, may immediately take and use the same, they having first caused the property wanted to be viewed by a jury, formed in the same manner as hereinbefore prescribed, in those cases where the property is to be changed or altered by admixture with other substances, before such alteration is made; and that it shall not be necessary after such view, in order to the use or occupation of the same, to wait the issue of the proceedings upon such view; and the inquest of the jury, after confirmation, and after payment or tender of the valuation, shall be a bar to all actions for taking or using such property, whether commenced before or after such confirmation, or the payment of such valuation.

Sec. 18. That it shall be lawful for said company to use and enjoy, for the purpose of erecting such Railroad, any county, State, or other public road, which may happen to be in their route, and build their said Railroad thereon, leaving thirty feet in width on one side of the said Railroad, for the use and benefit of public travel; and in order to secure to the said company the free and unmolested use of that part of the county, State, or other public road, the said company shall be at liberty to survey and make a plat of so much of the county, State, or other public road as they may find it convenient to use; which survey and plat shall be presented to the court or board authorized to do county business, in the county where the land lies, and if approved by them, the same shall be recorded among their public roads, noting the various courses and distances; which being done the land so appropriated by the company shall vest in fee, in the said corporation: *Provided*, The said company shall not be at liberty to obstruct or injure any public road whatever, farther than shall be unavoidable in the prosecution of the work, and which in a reasonable time shall be removed or repaired.

Sec. 19. That in all cases where the said Railroad shall cross any public road or highway, now established or hereafter to be established, the company hereby incorporated shall make suitable provisions for the passage of wagons and travel over the rails of said road, and shall not hinder or prevent any person or persons from passing to or from his, her or their farm or farms, in the ordinary prosecution of business, with the necessary teams, wagons and implements, under such regulations as may be just and reasonable.

Sec. 20. That the said president and directors shall have power and authority to purchase with the funds of said company, and place on any Railroad constructed by them under this act, all machines and carriages of any description whatsoever, which they may deem necessary or proper, for the purposes of transportation on said road; and that they shall have power to charge for tolls (and transportation of persons) on goods, produce, merchandize, or property of any kind whatever, transported by them along said Railroad, and may charge and receive such tolls and freights for the transportation of persons, commodities and carriages, on said road or any part thereof as shall be for the interest of said company, [and the same to change, lower or raise at pleasure:] *Provided*, That the rates established from time to time, shall be posted up in some conspicuous place or places on the said road; and it shall not be lawful for any other company, or any other person or persons whomsoever, to transport any persons, merchandize, produce or property, of any description whatsoever, along said road or roads, or any of them, or any part thereof, without the license or permission of the president and directors of said company; and the said road or roads, with all their works, profits and improvements, and all machinery used on said road or roads, for transportation or other purposes, are hereby vested in said company incorporated by this act, and their successors, forever; and the shares of the capital stock of the said company, shall be deemed and considered personal property; reserving, however, to the State the right of transporting, at any time, troops, provisions, implements and munitions of war, free of toll.

Sec. 21. That the said president and directors of the Ohio and Indianapolis Railroad company, or a majority of them, shall be and they are hereby authorized to subscribe, in their corporate capacity, for stock in any turnpike or Railroad company, chartered for the purpose

of connecting such road with that made by this company, upon the same conditions and with the same privileges that are given to other stockholders, and to pay for the same out of the joint or common funds of this company.

Sec. 22. That the said president and directors shall, annually, or semi-annually, declare and make such dividends as they may deem proper, of the net profits arising from the resources of the said company, after deducting the necessary current and probable contingent expenses; and that they shall divide the same amongst the stockholders of said company, in proportion to their respective shares.

Sec. 23. That if any person or persons shall wilfully, by any means whatsoever, injure, impair or destroy any part of any Railroad, constructed by said company under this act, or any of their necessary works, buildings, carriages, vehicles, or machinery of said company, such person or persons, so offending, shall each of them, for every such offence, forfeit and pay to said company, a sum not exceeding five hundred dollars, which may be recovered in the name of the said company, by suit in any court possessing competent jurisdiction.

Sec. 24. That said road shall be commenced within one year after the capital stock shall have been subscribed, and that the same shall be completed within fifteen years thereafter.

Sec. 25. That the full right and privilege is hereby reserved to the citizens of this State, or any company to be hereafter incorporated, under the authority of this State, to connect with the road hereby provided for, any other Railroad leading from the main route and diverging therefrom at an angle of twenty degrees or more, to any part or parts of the State: *Provided*, That in forming such connection, no injury be done to the works of the company hereby incorporated.

Sec. 26. That so soon as the company shall have completed a sufficiency of their route, they may commence and prosecute their business upon the terms and on the stipulations herein provided for, as though the whole work was completed.

Sec. 27. That the government of the United States shall be and they are hereby permitted to hold stock in the corporation created by this act, upon the same terms, on the same conditions, and subject to the same restrictions that the other stockholders are.

Sec. 28. That when the aggregate amount of the dividends declared, shall amount to the full sum invested, and six per centum per annum with interest thereon, the legislature may so regulate the tolls and freight, that not more than fifteen per centum per annum on the capital shall be divided; and the surplus profits, if any, after paying the expenses and reserving such proportion as may be necessary for future contingencies, shall be paid over to the treasurer of State, for the use of common schools; but the corporation shall not be compelled by any law to reduce the tolls and freights, so that a dividend of fifteen per centum per annum cannot be made; and it shall be the duty of the corporation to furnish the General Assembly, at each session thereof, with a correct statement of the amount of expenditure, and the amount of profits, after deducting all expenses, which statement shall be made under the oath of the officer making the same.

Sec. 29. That the president and directors of said company shall have the right to intersect and unite their said road with the Railroad from Madison to Indianapolis, (now under the management and control of the Madison and Indianapolis Railroad company,) at or near the town of Columbus, and shall have the privilege of running their cars upon the northern portion of said Madison and Indianapolis Railroad, from the point of intersection to Indianapolis; the terms and conditions whereof shall be agreed upon by the two companies, or if they cannot agree, then by two persons, one of whom shall be selected by each company; and if such persons cannot agree, they shall jointly choose a third person, to act with them in the premises; and the award of two such persons shall be a decision of the terms and conditions aforesaid.

Sec. 30. That it is the object and intention of this act, to secure and perpetuate the rights and obligations of "the Ohio and Indianapolis Railroad company," heretofore incorporated by an act, entitled "An act to incorporate the Ohio and Indianapolis Railroad company," approved February 2, 1832, as those rights and obligations are defined in said act, and in an amendment thereto, entitled "An act to amend an act to incorporate the Ohio and Indianapolis Railroad company," approved February 3, 1837, and not hereby varied, the body corporate created by that act and named in this being identical.

Sec. 31. That all subscribers of stock, under the said act of 1832, who shall not, after sixty days' notice of the opening of the books for the subscription of stock under this act, renew their subscriptions thereto, shall forfeit all their right, claim and interest, as stockholders in said company.

Sec. 32. The directors of said company shall be individually liable for the payment of all dues to laborers, for work done on said road, that shall not be paid when due, by said company in its corporate capacity.

Sec. 33. The legislature reserves the right to alter this charter, and repeal the same when violated; but if repealed the remainder of its assets, after paying the debts of the corporation, shall be divided among the stockholders, in proportion to the amount of stock paid in by each.

Sec. 34. Said company shall not be authorized to issue any scrip, or any evidence of indebtedness, for the purpose of creating a circulating medium.

Sec. 35. That a company may be formed, at any time hereafter, under the provisions of this act, who shall have full power and authority to connect the road contemplated by this act with a Railroad at Jeffersonville, extending to the city of New Albany, below the falls of the Ohio river; and so soon as the sum of thirty thousand dollars shall be subscribed and secured for the purpose of continuing said Railroad to New Albany, and the Governor shall be satisfied of the fact, then and in that case, a company may be formed for the purpose of connecting said road, as aforesaid; and each and all of the

privileges, provisions and benefits of this act, are hereby extended for said purposes, to the company so as aforesaid to be formed.

SEC. 36. All elections of officers of said company, as contemplated in the above section, shall be held in New Albany.

SEC. 37. That the foregoing act is hereby made a public act, and shall be taken and held as such in all the courts of this State.

CHAPTER CLXIII.

An Act to incorporate the Fort Wayne and Plymouth Turnpike Company.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That William G. Ewing, R. W. Taylor and Samuel Edsall, of the county of Allen, William Guy, Byram D. Miner and Joseph H. Pratt, of the county of Whitley, John W. Morris, Pleasant Grubbs and Samuel D. Hall, of the county of Kosciusko, and their successors in office, duly elected as hereinafter directed, are hereby constituted and appointed a body politic and corporate, and by the name and style of the "Fort Wayne and Plymouth Turnpike Company," shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice whatever; to make and use a common seal, and the same to alter, change, or renew at pleasure; and shall be able and capable in law to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules, and regulations to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

SEC. 2. Capital stock of said corporation shall be fifty thousand dollars, divided into shares of ten dollars, with power to increase the capital stock, if necessary to accomplish the objects herein contemplated.

SEC. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree on, and organize said corporation by electing one of their body president, and after such organization, a majority of said board shall be a quorum to do business.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other persons and officers necessary to carry into effect the provisions of this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws and regulations, and all orders for the payment of such allowances as may be made to their officers,

and all others in their employment, which journal and proceedings shall from time to time be signed by their president; they shall sit upon their own adjournments, or on the call of the president; when the president is absent, they may appoint a president *pro tempore*, and shall fill all vacancies that may occur in their body.

SEC. 5. The corporation shall cause books to be opened for sub scriptions to the capital stock, at such time and at such places as they may choose, due notice of which shall be given, in each of which books the following entry shall be made: "We, the undersigned, promise to pay the sum of ten dollars for each share of stock set opposite our names, in labor, materials, land, or money, (the value to be settled by the board of directors), in such manner and at such times and proportions as the president and directors of the Fort Wayne and Plymouth turnpike company may direct. Witness our hands this —— day of ————, A. D. 18—.

SEC. 6. It shall be lawful for all persons of lawful age, for the agent of corporate bodies, for the agent of any State of the United States on behalf of the same, to subscribe for any amount of capital stock; and the books shall be kept open for such space of time and at such place or places as the corporation may, by their agents, offer for sale in any other State, any amount of stock, upon such terms and conditions as may be thought advisable; and they shall have power, upon their own credit, to borrow money upon such terms, or raise means in such other way as may be agreed upon by the parties, or sums necessary to complete such road as is contemplated in this charter.

SEC. 7. As soon as one hundred shares are subscribed, it shall be the duty of the corporation to give three weeks' notice thereof in the nearest newspaper printed in the vicinity of said contemplated road, and in such notice to appoint a time and place for the stockholders to meet and elect nine directors, who shall be stockholders, and citizens of the State, which election shall be held within three months after the last share in the one hundred shares shall be subscribed for, and shall be conducted by two judges appointed by the stockholders present, and the persons having a plurality of the votes given and counted in public, shall be declared duly elected: no stockholder shall have a right to vote at any election unless he shall have held such stock one month previous to the election; in all elections one share shall entitle the holder to one vote only; and votes may be given by persons holding the same, or by one of any partners, or by the executors, or administrators, trustees, or by the authorized agent of any corporation, State, United States, or any person having a right to vote may vote by proxy.

SEC. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body president; the president and directors thus elected shall continue in office until the next annual election, and until their successors are elected and organized.

SEC. 9. All elections, after the first, shall be held on the first Tuesday of December, annually, under the direction of the stockholders, not directors at the time, to be appointed by the board at a previous meeting, or by the stockholders present, of which election notice shall be given: *Provided*, That if from any cause whatever there shall be no election held on the day appointed, it shall be lawful to hold the election on any other day, to be designated by the directors.

SEC. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; they shall be signed by the president, and countersigned by the clerk: stock shall be transferable on the books of the corporation only personally, or by an agent or attorney, or by the administrators, executors or trustees, but such stock shall at all times be holden thereof to the corporation, or for any sum that may thereafter become due on a contract made prior to such transfer.

SEC. 11. The corporation shall have power to call for such part of the stock subscribed as may seem to them necessary to carry on the work, to be paid by the stockholders in such materials, land, labor, or money as shall have been designated by the party subscribing for the stock, to be paid at such time and place as the board of directors may designate, by giving sixty days' notice in one of the nearest newspapers to said road, or by giving written notice to the stockholders; in all such notices the amount demanded on each share, and the time and place of payment shall be set forth, and it shall be the duty of the board of directors to give to each person subscribing for stock in materials or labor, notice to furnish the same upon the road, designating the point where it will be received; and if any stockholder shall neglect or refuse to pay or furnish such requisition within ten days after the time mentioned in such notice for such payment, the corporation shall have power to collect the same by an action at law, in any court of competent jurisdiction.

SEC. 12. The corporation shall require of all officers and others in their employment, bond, with security to their acceptance, with such penalty or penalties as they may think proper for the faithful performance of their respective duties.

SEC. 13. The corporation, by their agent, shall have power from time to time to examine, mark, and locate the route of said turnpike road from Fort Wayne, Allen county, to Columbia, Whitley county, thence to Warsaw, Kosciusko county, thence to Plymouth, Marshall county, with power to lay it upon the present traveled road, from one point to the other, or diverge from a direct line, for the interest of the company and public convenience: such road shall not exceed one hundred feet in width: the corporation shall have power to extend a branch of said road from Columbia, or such other point on said road as public interest and the interest of the corporation may demand, to Leesburg, in Kosciusko county: *Provided however*, That if said company shall fail or refuse to construct said road, from Columbia to Leesburg, it shall be lawful for any other citizens to associate themselves for that purpose; and when so associated they shall have the

same rights and franchises extended to them, as are to the members of the corporation to construct the road from Fort Wayne to Plymouth.

SEC. 14. And for the purpose of making such examinations and location, it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any lands to make survey and estimates, for the purpose of searching for stone, gravel, wood, or other materials necessary for the construction of said road.

SEC. 15. It shall be lawful for the corporation, either before or after the location of any section of said road, to obtain from the person or persons through whose lands said road may pass, a relinquishment of so much of said land as [may] be necessary for the construction of said road, or location thereof, as also the stone, gravel, wood, timber, or other materials that may be obtained on said rout, or near thereto, for the benefit of said corporation; and all such contracts, relinquishments, donations, gifts, grants, and bequests, made and entered into in writing by any person or persons capable in law to contract, made in consideration of such location, or otherwise, and for the benefit of the corporation, shall be binding and obligatory, and the corporation may have their action at law in any court of competent jurisdiction, to compel the observance of the same.

SEC. 16. The corporation shall cause said road to be opened not exceeding one hundred feet wide, and at least twenty feet shall be made an artificial road (except at such points as may be upon a good natural road already in use), and such road to be covered with gravel, stone, sand, wood, coal, clay, or such other materials as can best be secured, to be put on in as compact a manner as is usual for such materials.

SEC. 17. That when said road, or any particular section thereof, shall be located, it shall be the duty of said corporation to cause a plat or plats thereof to be deposited in the office of the county auditor in the county where such location is made; and after that time it shall not be lawful for said corporation to alter or change any part thereof, unless said corporation pay the owner or owners of the land on said rout the amount of damage they may sustain by such change.

SEC. 18. That if the road, after its completion, or any section thereof, shall be suffered to go to decay, or be impassable for one year, unless the same is repairing, this charter shall be considered as forfeited.

SEC. 19. The corporation shall commence the construction of said road within three years and complete the same within twenty; and whenever five continuous miles of said road shall be completed agreeably to the provisions of this act, the county commissioners of the county where such part is constructed, shall appoint an agent to examine the same, and report his opinion, in writing, to the corporation; and if said road report shall state the road, or any continuous five miles of the same, to be completed agreeably to the provisions of this act, the corporation may then erect a gate or gates at suitable distances apart, not less than five miles, and demand and

receive of all persons travelling said road such tolls and at such rates as the said corporation may determine upon to collect and receive from all persons travelling, or for the privilege of driving all kinds of live stock, wagons and teams, pleasure carriages, sleighs, and all other vehicles and things that may pass said road, or any part thereof, as shall be for the interest of said company, and the same to change, lower, or raise at pleasure: a list of the rates established from time to time shall be posted up at some conspicuous place or places at each gate.

Sec. 20. If any person or persons using said road shall, with intent to defraud said company, or to avoid the payment of toll, pass through any private way, gate, or bars, or along any ground, near to said turnpike gate, which shall be enclosed pursuant to this act, or shall practise any fraudulent means with intent to evade or lessen the payment of such tolls, or to defraud said corporation, each and every person concerned in such fraudulent practice, shall for every such offence forfeit and pay to the corporation the sum of five dollars, to be recovered, with costs of suit, in an action of debt at the suit of the corporation, before any justice of the peace in the county: *Provided*, That nothing in this act shall be construed to prevent persons residing along said road from passing about their premises, between the gates upon said road, upon ordinary business.

Sec. 21. The company shall put up a post or stone at the end of every mile, with the number of miles from the place where the road may commence fairly cut or painted thereon, and also in a conspicuous place near each gate shall be placed a board with the rates of toll fairly painted thereon, and all other necessary matter in relation to direction.

Sec. 22. Any person wilfully or negligently destroying, defacing, or removing any guide board, mile post or stone, or list of rates of toll created on said road, shall, on conviction therof before any justice of the peace or court having competent jurisdiction, forfeit and pay a sum not exceeding twenty dollars, to be recovered with costs of suit, in an action on the case, at the suit and for the use of the corporation.

Sec. 23. If any toll gatherer on said road shall unreasonably detain any passenger after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed, he shall for every such offence forfeit and pay a sum not exceeding ten dollars, to be recovered before any justice of the peace having competent jurisdiction, within twenty days after the occurrence.

Sec. 24. The corporation shall cause to be kept a fair account of the whole expenses of making and repairing the road, or any section thereof, with incidental expenses; and also a fair account of the tolls received; and the books of the corporation shall always be kept open for the inspection of an authorized agent of the State, or stockholders of said company; and the company shall have the right to sell the stock to the State upon such terms as they can agree.

Sec. 25. This charter shall be limited to fifty years in its duration,

and shall be in force from and after its passage, and be liberally construed as a public act, for all beneficial purposes.

Sec. 26. Lot A. Bayless, Jesse Vermilyea and John H. McTagerett, of the county of Allen, and J. B. Edwards, Henry Suiheart and Richard Collins, of Whitley county, are authorized to open books to receive subscriptions to stock, to construct a turnpike road from Raccoon Village, in Allen county, to Columbia, in Whitley county, under the restrictions, and with the benefits of this act, as extended to and required of the stockholders in the construction of the road from Fort Wayne, in Allen county, to Plymouth, in Marshall county.

Sec. 27. The directors of each of the companies, contemplated in this act, shall be liable in their individual capacity for the payment of all wages due for work on their respective roads, contracted for by said directors, which shall not have been paid when due by the company in its corporate capacity.

Sec. 28. The Legislature reserves the right to amend and repeal this charter, when any of its provisions are violated; but if repealed, after the payment of all liabilities, the residue shall be distributed among the several stockholders, in proportion to the amount of stock paid in by each.

CHAPTER CLXIV.

An Act to provide for the construction of a Railroad from Martinsville, in Morgan county, to Franklin, in Johnson county.

[APPROVED JANUARY 20, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the provisions, rights, privileges, powers and immunities, enacted, granted and provided by an act of the General Assembly of this State, entitled "An act to provide for the continuance of the construction of all or any part of the public works of this State, by private companies, and for abolishing the board of internal improvements, and the offices of fund commissioner and chief engineer," approved January 28th, 1842, to private companies, for the constructing or repairing any one or more of the works of internal improvements, referred to in said act, be and the same are hereby granted, enacted, and conferred upon, and vested in any number of persons who may, in accordance with the provisions of said act, and of this act, associate themselves together for the purpose of constructing said Railroad from Martinsville to Franklin, except as in this act altered and restricted.

Sec. 2. That the association to be formed for the purpose aforesaid, shall be styled "the Martinsville and Franklin Railroad com-

pany," and by such name shall contract and be contracted with, sue and be sued, and when organized, under the provisions of this act, and of the act in the first section above referred to, shall have full power and authority to do and perform all and every act or acts, and every other matter or thing necessary to be done, under the provisions aforesaid, for the construction and completion of said Railroad.

SEC. 3. That Hannibal R. Steevens, James M. Mitchel, John Eccles, James Crawford, Wm. G. Quick, James Jackson, Wm. H. Craig and Francis A. Matheny, of the county of Morgan, Samuel Herriott, Austin Jacobs, James Ritchey, Madison Vandevier and Jesse Williams, of the county of Johnson, or a majority of them, be and are hereby appointed commissioners to open books at suitable places in said State or elsewhere, for the subscription of the capital stock of said company, at any time within three years from the passage of this act: *Provided*, That said commissioners, or a majority of them, shall give three weeks' public notice of the times and places of the opening of said books, by publication in some newspaper in said State.

SEC. 4. That the capital stock of said company shall consist of subscriptions of stock, to be subscribed in money, labor or materials, for the construction of said work, or lands to be subscribed and holden and appropriated as by the act in the first section referred to, is provided and appointed, and shall not exceed the sum of one hundred and fifty thousand dollars; and whenever ten thousand dollars thereof shall be subscribed, as the capital stock of said company, and paid, or secured to be paid, or transferred to the commissioners aforesaid, or a majority of them, then the said commissioners, or a majority of them, shall order an election of directors of said company, according to the provisions of the act aforesaid.

SEC. 5. The said company and directors thereof, shall thereafter proceed to mark and lay out said road, on the nearest and best route, and in the construction thereof, and when fully constructed, shall be governed by the provisions of the act above referred to, except as herein modified: *Provided*, That all publications required to be made by said company, shall be made in some newspaper published at Martinsville or Indianapolis.

SEC. 6. The company aforesaid, shall commence the construction of said road within five years after the passage of this act, and complete the same within ten years thereafter.

SEC. 7. The stockholders shall be individually liable for the payment of all dues to laborers, who shall work upon said road, that shall not be paid when due, by said company, in its corporate capacity: *Provided however*, That nothing in this act shall be so construed as to authorize said company to issue scrip on any stock so subscribed.

SEC. 8. *And provided further*, Whenever said corporation shall violate the provisions of this act, the legislature reserves the right to alter, amend or repeal said charter; and in case of the repeal at any time of the corporate powers hereby vested, the assets of said corporation, over and above its liabilities, shall revert to the stockholders, in proportion to the stock by them held.

SEC. 9. This act shall be deemed and taken to be a public act, shall be favorably construed, and be in force from and after its passage.

CHAPTER CLXV.

An Act to incorporate the Wild Cat Navigation Company.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That there be and hereby is created and incorporated a company, under the name and style of "the Wild Cat Navigation Company," which is hereby declared a body politic and corporate, with power in law and equity to sue and be sued, plead and be impleaded, to answer and be answered unto, in any and all courts whatever.

SEC. 2. The capital stock shall be two hundred thousand dollars, to be divided into shares of one hundred dollars each.

SEC. 3. That Philip Waters, Samuel Weaver, John Adams and James Gray, of the county of Carroll, and Sewell Cleaver, Herman Peters and Ira Smith, of the county of Tippecanoe, be and they are hereby appointed commissioners to open books, solicit and receive subscriptions to the capital stock of said company.

SEC. 4. The said commissioners, or a majority of them, shall have power to open books for the subscription of stock, as above contemplated: *Provided*, That the books shall be opened within the space of ten years from and after the passage of this act: *And provided, also*, That such books shall not be opened until said commissioners, or a majority of them, shall have given at least three weeks' previous notice of their intention to do so, through some public newspaper of the county of Carroll or Tippecanoe, setting forth the time and place, or places, and the length of time that such books will remain open; but either of them may receive subscriptions after such notice.

SEC. 5. It shall be lawful for said company to improve the navigation of the Wild Cat creek, by locks and dams, commencing with the main branch at its junction with the Wabash and Erie Canal, in the county of Tippecanoe, and running thence up said creek to the north branch, and thence up said north branch as far as said company shall deem it practicable.

SEC. 6. Said company is hereby authorized to purchase and hold a sufficient quantity of real estate for the absolute accommodation and convenience of said company, for the purposes of navigation; to purchase such lands as it may be necessary to condemn for the purpose of construction; to receive donations and quit-claims for such as

it may be necessary to condemn, as aforesaid; and shall be entitled to the benefits of a writ of *ad quod damnum* against the owner or owners of mills, dams and such lands as it may be necessary to condemn, for the purposes of construction and navigation.

Sec. 7. But this act shall not be construed to prejudice the rights of individuals now owning mills and dams upon said creek, or who may become the owners of any such mills and dams, or who may hereafter become the owner or owners of lands, and construct a property of this kind prior to the above contemplated notice for opening books for the subscription of stock.

Sec. 8. If the said company and the owner or owners of any mill dam, around or through which it may be necessary to construct a lock, cannot agree as to the terms, a writ of *ad quod damnum* shall only authorize the assessment of damages, at a place where it will do the least possible injury to such defendants, taking into consideration the practicability of making the pass; and no such writ shall authorize the tearing down of any mill dam, or in any way disturbing any mill house, without allowing the owner or owners ample damages therefor, or requiring said company to rebuild and make such dams and other improvements as amply secure and sufficient as they may have been originally.

Sec. 9. Whenever fifty thousand dollars shall be subscribed, the said commissioners, or a majority of them, shall cause a notice to be given for the election of seven directors, from among the subscribers to the capital stock, through some public newspaper of the county of Carroll or Tippecanoe, at least three weeks prior to the day fixed upon for holding such election.

Sec. 10. The subscribers to the capital stock of said company, when so met, shall have power to choose judges, appoint clerks, and make all other necessary arrangements for conducting such election.

Sec. 11. The directors declared to be duly elected shall meet at as early a period as practicable, be sworn into office, choose a president and secretary from among their own body, and proceed to business.

Sec. 12. The president, directors and secretary, when so organized, shall keep a journal of their proceedings, and shall have full power to make such by-laws, rules and regulations, for the government of themselves, and the better regulation of said company, as they may deem proper, not inconsistent with the constitution and laws of this State.

Sec. 13. It shall be the duty of such board to provide, in their by-laws, for the election annually, after the first election, of seven directors, from among the stockholders, on the first Monday in November.

Sec. 14. It shall be lawful for said board to create and establish a collector's office, and fix the rate of tolls, which shall never be greater than the rates established, from time to time, on the Wabash and Erie canal, except that any water power created by such construction may be sold or leased to the highest and best bidder.

Sec. 15. The said board may adopt a seal, and may at pleasure alter and amend it, and may provide for the purchase, sale and conveyance of any real estate, which it is by this act contemplated that said company may deal in.

Sec. 16. The board of directors shall take charge of the stock subscription books, immediately upon an organization, and shall thenceforth provide for a further subscription to the capital stock, to an amount not exceeding the limits of the capital stock herein authorized; and may, from time to time, require payments thereof, in instalments from each subscriber, of not more than twenty-five nor less than ten per cent., every ninety days, as well of the original subscription as of the more recent.

Sec. 17. Any and all writs against said company shall be served on the president.

Sec. 18. The stockholders of said company shall be individually liable for any excess of debts which may be created, over and above the capital stock paid in, or secured to be paid, in proportion to the amount of stock owned by them severally, at the time of the creation of such excess.

Sec. 19. The franchises hereby granted, and obligations imposed, shall be enjoyed and suffered for the space of one hundred years, from and after a perfect organization of said company, as herein contemplated.

Sec. 20. The legislature hereby reserves the right to repeal this act at any time: *Provided however*, That if it shall be repealed after the work shall have been commenced, the stockholders shall first be paid the par value of the amount of capital stock paid in.

Sec. 21. This act to be in force from and after its passage.

CHAPTER CLXVI.

An Act to incorporate the Andersontown, Greenfield and Shelbyville Railroad Company.

[APPROVED JANUARY 20, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Elijah Tyner, John Templin, David McLane, Nathan Crawford, William Sebastian, Otho Gappen, of Hancock county, Madison G. Walker, William H. Mershon, Samuel and D. Irish, of Madison county, and their successors in office, be and they are hereby declared a body corporate and politic, by the name and style of "the President and Directors of the Andersontown, Greenfield and Shelbyville Railroad Company," and shall be capable in law and in equity to sue and be sued, plead and be impleaded, answer and be

answered unto, in any and in all courts whatever, to make and use a common seal, and the same to alter and change at pleasure, and shall be and are hereby authorized and empowered to make contracts, and make and enforce the necessary by-laws, rules and regulations, to enable them to carry into effect the provisions of this act and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

SEC. 2. The capital stock of said corporation shall be ninety thousand dollars, divided into shares of fifty dollars each, with power on the part of said corporation to increase the capital stock, if necessary to complete and accomplish the objects herein contemplated.

SEC. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree on, and organize said corporation by electing one of their body president, and after such organization any six of them shall be a quorum to do business.

SEC. 4. The said corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other persons and officers necessary to carry into effect this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws and regulations, and all orders for the payment of such allowances as may be made to their officers, and all others in their employment; which journal and proceedings shall from time to time be signed by the president: they may sit on their own adjournment, or meet on the call of their [president;] when the president is absent from the meeting, they shall appoint one of their number president *pro tempore*, and they shall fill all vacancies that may happen in their own body.

SEC. 5. Subscriptions to the capital stock of said company may be made either in money, labor, real estate, or necessary and proper materials for the construction of said road; and all subscriptions which are to be paid in labor or materials, shall be paid to, and received by the company at their cash value, to be ascertained by appraisers appointed for that purpose by said company: said corporation shall cause books to be opened, at such time and places as they may choose, due notice of which shall be given in some public newspaper, printed in the vicinity of said road, in each of which books the following entry shall be made: "We, the undersigned, promise to pay the sum of fifty dollars for each share of stock set opposite to our respective names, in such manner and proportion and at such times as the said president and directors of the said Andersontown, Greenfield and Shelbyville Railroad company may direct. Witness our hands, this—— day of ————, A. D., 18—."

SEC. 6. It shall be lawful for all persons of lawful age, or for any corporate body in the United States, by their constituted officers or agents, to subscribe for any amount of the capital stock of said Railroad company; and the said corporation may by their officers or authorized agent, or agents, offer for sale in any of the States of the United States any amount of their stock, upon such terms and conditions as may be thought advisable; and said corporation shall have

power to borrow money, on their own credit, or by pledging the real estate subscribed as stock, or both, upon such terms as may be agreed upon by the parties: the said corporation may require such sums of money to be paid at the time of subscribing for stock, not exceeding five dollars on each share, as they may think proper; but the amount required to be paid on each share subscribed for, shall be made known in the notice for opening the books, and any future instalments or payments on stock, shall be under the control of and regulated by the said company, subject to the restrictions hereinafter mentioned.

SEC. 7. As soon as the capital stock is subscribed for, and the amount required in said notice to be paid on each share at the time of subscription, shall have been paid in, it shall be the duty of said corporation to give three weeks' notice thereof, in some public newspaper or newspapers, near said Railroad, and in said notice appoint a time and place for the stockholders to meet and elect nine persons, [to act as directors] who shall be stockholders and citizens of this State, and which election shall be by ballot, and conducted under the superintendence of an inspector and two judges, selected by a majority of the stockholders present at such election, and the nine persons receiving the highest number of votes shall be declared duly elected: in all elections each share shall entitle the owner thereof to one vote, and any person or persons, being the owner or owners of more than one share of said stock, shall be entitled to a vote for each share, the vote or votes, in all cases, to be given by the owner or owners thereof, by him, her, or themselves, or by their agents, proxies or legal representatives.

SEC. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to elect one of their own body president: the president and directors thus elected, shall continue in office until the next annual election, and until their successors are elected and qualified.

SEC. 9. All elections after the first shall be held on the first Monday in January, in each year, to be conducted in all respects as specified in section seven, of this act; three weeks' notice in some public newspaper, near to said road, shall be given by said board, of the place of holding such election, and the directors elected at any such annual election, shall hold their offices for one year, and until their successors are elected and qualified; but should no election be held on said first Monday in January, in any year, it shall be lawful to hold an election on some other day, to be appointed by said board, of which notice shall be given as above in this section specified, and to be conducted in the same manner as is provided for in section seven; and the directors thus elected, shall hold their offices until the next annual election, and until their successors are elected and qualified.

SEC. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; such certificates shall be signed by the president and countersigned by the clerk of said com-

pany: the stock shall be transferred on the books of the corporation, only by the person or persons owning the same in person, or by their legally constituted agent or agents, attorney or attorneys, or by their legal representatives, trustees or guardian; and such stock shall be at all times holden by the corporation for any dues from the owner thereof to the corporation, or for any sums that may thereafter become due, or any contract made with said corporation prior to such transfer.

SEC. 11. The said corporation shall have power to call for such portions of the stock subscribed for, (not exceeding fifteen per cent. every six months,) as they may think proper, to be paid at such time and place as they may designate, by giving sixty days' notice thereof in some newspaper, near the said road, or by giving to the stockholders written notice, in which notice shall be specified the amount called for and demanded on each share, and the time and place of payment; and if any stockholder shall fail, neglect or refuse to pay the sum so called for on his, her or their stock, within ten days after the time named for such payment in said notice, the corporation may bring suit against such delinquent for the amount due and called for, in any court having jurisdiction, and recover the amount so called for and unpaid, together with interest from the time of such failure, neglect or refusal; and the evidence to establish such claim of the corporation shall be the order in the journal of the proceedings of said corporation, calling for the instalment on the stock, and proof that the notice above specified has been given; and if the amount so recovered against any such delinquent, cannot be made on execution, or if any such delinquent is out of the State, then the corporation may by an order on their journal of proceedings, declare such stock, and all that may before have been paid thereon, forfeited to said corporation; and no delinquent, after the failure, neglect or refusal aforesaid, and before the stock shall be declared forfeited to the corporation, shall have the right to vote for directors, or receive any dividends on his or their stock, until the corporation is fully paid and satisfied: and should any such delinquent or delinquents, be a director or directors, in said corporation, his or their offices of director or directors, may be, by the balance of said board, declared vacated, and they may proceed to fill, from the qualified stockholders in said corporation, such vacancy or vacancies in such board of directors; and the person or persons so appointed, shall hold their office or offices until the next annual election, and until their successors are elected and qualified: the corporation shall require of all officers and others in their employ, bonds, with such security as they may think proper, for the faithful performance of their respective duties or undertakings.

SEC. 12. The said corporation shall have power, by themselves or agents, to examine and survey, and locate a route, and make and construct on such route, a Railroad from some convenient point in the town of Andersontown, Madison county, by way of Greenfield, Hancock county, to some convenient point at or near the depot of the Shelbyville Lateral Branch Railroad Company, in the town of Shelbyville, Shel-

by county, Indiana: the commencement of said Railroad route shall be in said town of Andersontown, but the particular point of commencement in said town shall be designated and established by the board of directors, next succeeding those in this bill mentioned; and the terminating point of said Railroad route shall be designated and settled by the same board of directors; and when said board shall have designated and settled upon the commencing and terminating points, they shall record the same in the journal of proceedings of said board, which shall preclude the said corporation from ever designating or fixing any other points of commencement or termination; and when said points of commencement and termination shall have been designated and settled, as before mentioned, the said corporation shall have power, and they are hereby authorized, by themselves or agents, to examine and survey and locate a Railroad route from such commencing to such terminating points, on the most suitable ground, and such as will be most conducive to the public good and the interest of said corporation, and to build and construct a Railroad on said route, and to fix the grade and superstructure of such Railroad for such motive power as may be determined on by said corporation: *Provided however*, That said Railroad route shall not be located on any State or county road, without the said corporation first having obtained permission so to do from the board of county commissioners of the county in which a State or county road is sought to be used, and which permission, when once given and entered on the order book of said commissioners, shall be irrevocable, during the existence of the corporation: *Provided*, Said corporation, before asking for the use of said State or county road, shall give three weeks' notice in some newspaper, printed in the county where such application is to be made, if any there be, if not, by written notice, in three of the most public places in said county.

SEC. 13. And for the purpose of making such examination and location of said Railroad route, it shall be lawful for said corporation and their agents and persons in their employ, to enter upon any lands to make surveys and estimates, and for the purpose of searching for stone, wood, or other materials, necessary for the construction of said Railroad; but no stone, or wood, or other materials, shall be taken away from any land, without the consent of the owner thereof, or until the amount of compensation therefor has been ascertained.

SEC. 14. It shall be lawful for said corporation, either before or after the location of said Railroad, to obtain from any person or persons through whose land said road may run, a relinquishment of so much land as may be necessary for the construction of said road, also the stone, timber, and other materials, that may be obtained on said route, and may contract for any stone, timber, and other materials, on any lands near to said road, for the benefit of said corporation; and said corporation may receive by gift, grant, donation or bequest, made and entered into in writing, by any persons capable in law of contracting, made in consideration of such location of said road; and for the benefit of said corporation, lands, money, labor, stone, timber,

or any other kind of property, and all such gifts, grants, donations and bequests, shall be binding and obligatory; and the said corporation shall have their action at law or in equity, to compel a compliance therewith: *Provided*, That no such contract, relinquishments, gifts, grants, donations or bequests, shall be binding and obligatory, unless the same shall be in writing, and signed by the party making the same.

SEC. 15. That whenever said corporation shall have procured the right of way, as herein provided, they shall be seized, in fee simple, of the right to said land, and shall have the sole use and occupation of the same for the purposes aforesaid, and no person, body politic or corporate, shall in any way interfere with, molest, disturb or injure the corporation, in any of the rights and privileges granted.

SEC. 16. The said corporation shall commence the construction of said road within three years from and after the passage of this act, and shall finish the same within ten years thereafter.

SEC. 17. That the said corporation, for the conveyance or transportation of passengers, or any kind of freight, on said road or any portion of it, may charge such sums of money as shall best comport with the interest of said company, and as shall not be considered oppressive: the work to commence at Shelbyville.

SEC. 18. Any person who shall wilfully, mischievously or maliciously, destroy or injure any of the cars, machinery, furniture, apparatus, or other property or thing, belonging or appertaining to said Railroad, or shall wilfully, mischievously or maliciously place any obstruction on said Railroad, shall, on conviction thereof by presentment, be fined in any sum not exceeding five hundred dollars, and shall moreover be liable in an action on the case, to any person or persons, body politic or corporate, for any and all injuries to persons or property, occasioned thereby.

SEC. 19. The said corporation shall cause to be kept a fair account of the cost of the making and repairing of said road, and every section thereof, with all incidental expenses, and shall also keep a fair account of any and all moneys received from the transportation of freight, mails, or other property or passengers, on said road; and the books of said corporation shall always be kept open for the inspection of stockholders and creditors of said corporation.

SEC. 20. The stockholders in said corporation shall be liable, in a just ratio or proportion, to the amount of their stock held or subscribed for, for all debts incurred or created during their said ownership of said stock; and in case of a sale or transfer of said stock from the original subscription, it shall not release the original subscriber in his just proportion, from any debt or debts, incurred or created during his, her or their possession of said stock.

SEC. 21. That in all cases where any person, through whose land the road may run, shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace, in the county where such difficulties may occur: and such justice shall thereupon

summon the owner of said land to appear before him on a particular day, within ten days thereafter, and shall appoint twelve disinterested persons of the neighborhood who shall, after taking an oath faithfully and impartially to assess the damages, if any, on the lands or materials, and after having taken into consideration the advantages as well as disadvantages the road may be to the same, and shall report thereon, whether such person is entitled or not, and if so, how much, and shall file such report with such justice, whereupon such justice shall enter judgment thereon, unless for good cause shown; and in case either party should show sufficient cause why judgment should not be entered, the justice may grant a re-view of the premises, either with or without costs: *Provided*, That either party may, at any stage of the proceedings, appeal to the circuit court of the proper county, as in other cases, and such court shall appoint viewers, as above directed, who may report at that or the succeeding term of the court, and the judgment of the court shall be final.

SEC. 22. That this charter shall be subject to repeal, upon the violation by said corporation of any of the provisions herein, or when its franchises may prove oppressive to the counties through which said road shall run, or when public good may require.

SEC. 23. That the directors are liable in their individual capacity, for work done on said road, over and above the amount of capital stock subscribed.

SEC. 24. This act is hereby declared a public act, and shall receive a liberal construction.

SEC. 25. This act to take effect from and after its publication.

CHAPTER CLXVII.

An Act to incorporate the Green's Fork and Hagerstown Turnpike Company.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Joshua Ballenger, Moses Davidson, James Smith, Allen W. Lewis, William Baker, Richard Gordan and William Brown, senior, of the county of Wayne, and their successors in office, be and they are hereby constituted a body corporate and politic, and by the name and style of the "President and Directors of the Green's Fork and Hagerstown Turnpike Company," shall be able and capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, in any and all courts whatever; to make and use a common seal, and the same to alter and change at pleasure; and shall be able in law to make contracts and enforce the the necessary by-laws, rules and regulations, to enable them to carry

into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

Sec. 2. The capital stock of said corporation shall be fifty thousand dollars, divided into shares of fifty dollars each, with power to increase the capital stock, if necessary to accomplish the objects herein contemplated.

Sec. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree on, and organize said corporation by electing one of their body president, and after such organization, any five of said board shall be a quorum to do business.

Sec. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other persons and officers necessary to carry into effect this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws and regulations, and all orders for the payment of such allowances as may be made to their officers, and all others in their employment, which journal and proceedings shall from time to time be signed by the president; they may sit upon their own adjournments, or on the call of the president; and when the president is absent, they may appoint a president *pro tempore;* they shall fill all vacancies that may happen in their own body.

Sec. 5. The corporation shall cause books to be opened at such times and places as they may choose, due notice of which shall be given, in some public newspaper, printed and published in the county of Wayne, in each of which books the following entry shall be made: "We, the undersigned, promise to pay the sum of fifty dollars for each share of stock set opposite our names, in such manner and proportions and at such times as the president and directors of the Green's Fork and Hagerstown turnpike company may direct. Witness our hands this —— day of ————, A. D. 184—.

Sec. 6. It shall be lawful for all persons of lawful age, or for the agent of any corporate body, to subscribe for any amount of the capital stock; and the said corporation may, by agent, offer for sale in any other State, any amount of stock, upon such terms and conditions as may be thought advisable; and they shall have power, on their own credit, to borrow money upon such terms as may be agreed upon by the parties: the corporation may require such sum of money to be paid at the time of subscribing (not exceeding five dollars on each share) as they may think proper, but the amount required shall be made known in the notice for opening the books; and any future payments on the stock shall be under the control of the corporation.

Sec. 7. As soon as one hundred shares are subscribed for, and five dollars paid on each share, it shall be the duty of the corporation to give three weeks' notice thereof in some public newspaper, published in said county of Wayne, and in such notice appoint a time and place for the stockholders to meet and elect seven directors, who shall be stockholders, and citizens of this State, and which election

shall be by ballot, and conducted under the superintendence of one inspector and two judges, appointed by the stockholders present, and the persons having the highest number of votes shall be declared duly elected: in all elections each share shall entitle the holder to one vote, to be given by the person owning the same, or one of any partners, or by the husband, father, mother, administrator or executor, trustee or guardian, or by the agent of any corporation; and any person who may have a right to vote may vote by proxy.

Sec. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to elect one of their own body president; the president and directors thus elected shall continue in office until the next annual election, and until their successors are elected and qualified.

Sec. 9. All elections, after the first, shall be on the first Monday of January, annually, under the direction of the stockholders present, of which election notice shall be given; but should no election be held on the day appointed by this act, or by the directors of the first election, it shall be lawful to hold the election on any other day.

Sec. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; they shall be signed by the president, and countersigned by the clerk: the stock shall be transferable on the books of the corporation only personally, or by agent, or by attorney, or by the administrator, executor, trustee or guardian; but such stock shall be at all times holden by the corporation, for any dues from the holder thereof to the corporation, or for any sums that may thereafter become due on a contract made prior to such transfer.

Sec. 11. The corporation shall have power to call for such portions of the stock subscribed (not exceeding fifteen per cent. every six months) as they may think proper, to be paid at such time and place as they may designate, by giving sixty days' notice thereof in some newspaper, printed and published in said county, or by giving written notice to the stockholders; in which notice shall be specified the amount demanded on each share, and the time and place of payment; and if any stockholder shall refuse or neglect to pay such requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due and called for, in any court of competent jurisdiction, and recover the amount, with interest thereon at the rate of six per cent. per annum; and if the amount cannot be made on execution, or if such delinquent is out of the State, then the corporation may, by order on their books, declare such stock forfeited to the corporation, with whatever amount may be paid thereon; and no such delinquent, before the forfeiture of his stock, shall have the right to vote for directors, or receive any dividend on his, her or their stock, until the corporation is fully satisfied: the corporation shall require of all officers and others in their employ, bonds, with such security as they may think proper, for the faithful performance of their respective duties.

Sec. 12. The corporation shall have power, by themselves or

agents, to examine, survey, locate and make a turnpike road, from Williamsburg to Hagerstown, in Wayne county: the said turnpike road to commence at the south end of Main street of the said town of Williamsburg, thence west across Green's Fork, thence down on the west side of said stream, on the nearest and most approved route, to the section line dividing sections twenty-three (23) and twenty-six, (26,) thence running west on said line by the Wayne county Asylum, to the town of Hagerstown, in said county: *Provided*, That if said road shall run along the line of any State or county road, said corporation shall first obtain a permit so to do, from the board of county commissioners of said county: *Provided further*, That said corporation shall have power to locate said road on any other route than the one marked out as above, which may be considered for the better interests of said company.

Sec. 13. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents or persons in their employ, to enter upon any lands to make surveys and estimates, and for the purpose of searching for stone, gravel, wood, or other materials necessary for the construction of said road; but no stone or gravel, or other material, shall be taken away from any lands without the consent of the owner thereof, until the amount of compensation therefor shall have been ascertained and paid.

Sec. 14. It shall be lawful for the corporation, either before or after the location of said road, to obtain from any person or persons through whose land the same may run, a relinquishment of so much of said land as may be necessary for the construction of said road; also, the stone, gravel, timber, and other materials that may be obtained on said route, and may contract for stone, gravel, timber, and other materials that may be obtained from any lands near thereto; to receive by donations, gifts, grants, or bequests, lands, money, labor, property, stone, gravel, wood, or other materials, for the benefit of the corporation; and all such contracts, relinquishments, and donations, gifts or grants, made and entered into in writing by any person or persons able in law to contract, made in consideration of such location, and for the benefit of the corporation, may and shall have their action at law in any court of competent jurisdiction, to compel a compliance therewith: *Provided*, That all such contracts, relinquishments, donations, gifts, grants, &c., shall be made in writing by the party making the same.

Sec. 15. That when said corporation shall have procured the right of way, as herein provided, they shall be seized, in fee simple, of the right to such land, and shall have the sole use and occupation of the same, for the purposes aforesaid, and no person, body corporate and politic, shall in any way interfere with, molest, injure or disturb any of the rights and privileges granted.

Sec. 16. The corporation shall commence the construction of said road within two years of the passage of this act, and finish the same within ten years thereafter: *Provided however*, That if five miles of said turnpike road shall be completed within the time aforesaid, this charter shall not be forfeited as to that part of the road so completed, nor any part that may be completed within ten years.

Sec. 17. The corporation shall cause said road to be opened not exceeding sixty feet wide, at least sixteen feet of which width shall be an artificial road, composed of stone or gravel, well compacted together, in such manner as to secure a firm, substantial and even road, rising in the middle with a gradual curve, and shall maintain and keep the same in good repair; and in no case shall the ascent in the road be greater than an elevation of six degrees.

Sec. 18. If said road, after the completion thereof, shall be suffered to go to decay, or be impassable for one year, unless when the same is repairing, this charter shall be considered as forfeited: *Provided*, That if said road shall become so impassable or out of repair at any time, and said company refuse or neglect to repair the same, the board of county commissioners, in said county of Wayne, may order any gate or gates to be set open until the same is repaired.

Sec. 19. So soon as said company shall have completed said road, or any five miles thereof, agreeably to the provisions of this act, they may erect a gate or gates at suitable distances apart, not less than five miles, and demand and receive of persons travelling or using said road such tolls or rates as shall best comport with the interests of said company, so as not to be considered oppressive upon those travelling upon or using the said road.

Sec. 20. If any person or persons using said road, or any part thereof, shall, with intent to defraud said company, or evade the payment of toll, pass through any private gate, or bars, along any other ground, near to any turnpike gate, which shall be enclosed pursuant to this act, or shall practise any fraudulent means with intent to evade or lessen the payment of any such tolls, or if any person shall take another off said road, with intent to defraud said corporation, each and every person concerned in such fraudulent practices, shall for every such offence forfeit and pay to the corporation the sum of five dollars, without any stay of execution, to be recovered, with costs of suit, in an action of debt at the suit of the corporation, before any justice of the peace of the county of Wayne: *Provided*, That nothing in this act shall be construed as to prevent persons residing on said road from passing thereon, about their premises, for common and ordinary business.

Sec. 21. The company shall erect a post of stone or wood at the end of each mile, with the number of miles from each extremity fairly cut or painted thereon, and also in a conspicuous place near each gate shall be placed a board, with the rates of toll fairly painted thereon, and all other necessary matter in relation to directions.

Sec. 22. Any person wilfully or maliciously destroying, defacing, or removing any guide board, mile post or stone, or list of rates of toll erected on said road, shall, on conviction thereof before any justice of the peace in said county, forfeit and pay a sum not exceeding twenty dollars, to be recovered with costs of suit, in an action on the case, at the suit and for the use of the corporation.

SEC. 23. If any toll gatherer on said road shall unreasonably detain any passenger after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed, he shall for every such offence forfeit and pay a sum not exceeding ten dollars, to be recovered before any justice of the peace having competent jurisdiction, within twenty days after the occurrence.

SEC. 24. The corporation shall cause to be kept a fair account of the whole expense of making and repairing the road, or any section thereof, with all incidental expenses; and also a fair account of the tolls received; and the books of said corporation shall always be kept open for the inspection of any stockholder or creditor of said company; and the said company shall, at any time, dispose of the stock to the State or county, for the money actually paid in or expended about said work, with six per cent. interest thereon.

SEC. 25. The duration of this charter shall be thirty years.

SEC. 26. The directors in said company that shall contract any [debts] to laborers, for work done upon said road, over and above the amount of stock, the payment of which is secured, shall be liable for the payment of all such excess in their individual capacity; and should the company, in its corporate capacity, fail to pay the laborers, when due, and the directors prove insolvent, the stockholders shall be liable in their individual capacity for the payment of all dues, for work done upon said road.

SEC. 27. The legislature reserves the right to alter, amend or repeal this charter, whenever public good may require it, or its franchises prove oppressive in the counties where they are erected.

SEC. 28. That nothing in this act shall be so construed as to authorize the issue of any scrip whatever.

SEC. 29. This act to be in full force from and after its passage.

CHAPTER CLXVIII.

An Act to charter the Alumni of Hanover College.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That C. K. Thompson, Noble Butler, Thomas W. Haynes, J. L. Scott and all other persons who now are or may hereafter become members of the society of the "Alumni of Hanover College," as hereby established, or as it may hereafter be altered or amended, shall be and are hereby constituted and appointed a body corporate and politic in law, by the name of the society of the Alumni of Hanover College, for the promotion of learning and for no other purpose whatever.

SEC. 2. The said society, by the name aforesaid, shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded in all courts whatsoever.

SEC. 3. The said society, by the name aforesaid, shall have a common seal, and may change the same at their pleasure; they shall have full power to adopt a constitution and enact such by-laws and regulations, not inconsistent with the constitution and laws of this State and of the United States, as may be necessary for the management of said society, and to alter and amend the same at their pleasure.

SEC. 4. The said society shall elect trustees, who shall hold office until their successors are appointed, according to the rules of said society, and who shall be known as the trustees of said society of Alumni; which said trustees, by the name and style aforesaid, shall be capable of taking, receiving and holding, by gift or purchase for said society of Alumni, any books, papers, maps, apparatus, paintings, money, real estate, or other material or collection whatever, for the advancement of learning.

SEC. 5. The funds and property of said society shall be managed and controlled as said society may direct.

SEC. 6. This act shall take effect and be in force from and after its passage.

CHAPTER CLXIX.

An Act to dissolve the bonds of matrimony heretofore and now existing between William Beckford and Elizabeth Beckford.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bonds of matrimony existing between William Beckford, of Grant county, and Elizabeth Beckford, his wife, be and the same are hereby dissolved and rendered null and void.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXX.

An Act for the relief of the estate of Israel Phillips, late of Marion county, deceased.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the State Librarian, as agent for the State for the town of Indianapolis, be and he is hereby authorized and required, to convey, by sufficient deed of conveyance, to James C. Yohn, so much of the east part of the west half of lot number one, in square number fifty-six, in the town of Indianapolis, as was lately sold to James C. Yohn under the order of the probate court of Marion county, by the administrators of the estate of Israel Phillips, late of said county, deceased, for the payment of the debts of said estate; and that the said librarian, as such agent, convey the residue of the west half of said lot, in the town of Indianapolis, to the heirs at law of the said Israel Phillips, deceased.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXXI.

An Act for electing an additional Justice of the Peace in Hendricks county.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board doing county business in and for the county of Hendricks, be and they are hereby authorized, at their next session following the passage of this act, to order one justice of the peace and one constable to be elected in the town of North Salem, Eel River township, in said county.

SEC. 2. The board shall fix the time of holding said election; and in all other respects the said election shall be governed by the law now in force regulating the election of justices of the peace.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CLXXII.

An Act to incorporate the Knightstown and Shelbyville Railroad Company.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Robert Woods, S. McCain, W. M. Cary, John N. Robinson, and James H. McGuffin, of the county of Henry, and R. J. Hubbard, Wm. McKee, John Addison, senior, and Henry B. Hill, of the county of Rush, John Wolf and John Haskitt, of the county of Hancock, and Jonathan Johnson and Stephen Ludlow, of Shelby county, and their successors in office, be and they are hereby declared a body politic and corporate, and by the name and style of "the President and Directors of the Knightstown and Shelbyville Railroad Company," shall be capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, in any and all courts whatever, to make and use a common seal, and the same to alter or change at pleasure; and shall be and are hereby authorized and empowered to make contracts, and make and enforce the necessary by-laws, rules and regulations, to enable them to carry into effect the provisions of this act and the objects contemplated by the same, not inconsistent with the laws and constitution of the State.

SEC. 2. The capital stock of said corporation shall be two hundred thousand dollars, divided into shares of fifty dollars each, with power on the part of said corporation to increase the capital stock, if necessary to accomplish the objects herein contemplated.

SEC. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree upon, and organize said corporation by electing one of their body president, and after such organization any five of them shall be a quorum to do business.

SEC. 4. Said corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other persons and officers necessary to carry into effect this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws and regulations, and all orders for the payment of such allowances as shall be made to their officers, and all other persons in their employment; which journal and proceedings shall from time to time be signed by the president: they may sit on their own adjournment, or meet on the call of the president; when the president is absent from the meeting, they shall appoint one of their number president *pro tempore*, and they shall fill all vacancies that may happen in their own body.

SEC. 5. The corporation shall cause books to be opened, at such times and places as they may choose, due notice of which shall be given in some public newspaper, published in the vicinity of the said

Railroad, in each of which books the following entry shall be made: "We, the undersigned, promise to pay the sum of fifty dollars for each share of stock set opposite to our respective names, in such manner and proportions and at such times as the president and directors of the Knightstown and Shelbyville Railroad company may direct. Witness our hands, this—— day of ————, A. D., 18—."

Sec. 6. It shall be lawful for all persons of lawful age, or for any corporate body in the United States, by their constituted officers or agents, to subscribe for any amount of the capital stock of said Railroad company; and the said corporation may by their officers or authorized agent, or agents, offer for sale in any of the States of the United States any amount of their stock, upon such terms and conditions as may be thought advisable; and said corporation shall have power to borrow money, on their own credit, upon such terms as may be agreed upon by the parties: the said corporation may require such sums of money to be paid at the time of subscribing for stock, not exceeding five dollars on each share, as they may think proper; but the amount required to be paid on each share subscribed for, shall be made known in the notice for opening the books, and any future instalments or payments on stock, shall be under the control of and regulated by the said company, subject to the restrictions hereinafter mentioned.

Sec. 7. As soon as one hundred and fifty shares of said capital stock are subscribed for, and the amount required in said notice to be paid on each share at the time of subscription, shall have been paid in, it shall be the duty of said corporation to give three weeks' notice thereof, in some newspaper near to said road, and in said notice appoint a time and place for the stockholders to meet and elect nine directors, who shall be stockholders and citizens of this State, and which election shall be by ballot, and conducted under the superintendence of an inspector and two judges, selected by a majority of the stockholders present at such election, and the nine persons receiving the highest number of votes shall be declared duly elected: in all elections each share shall entitle the owner thereof to one vote, and any person or persons, being the owner or owners of more than one share of said stock, shall be entitled to one vote for each share, the vote or votes, in all cases, to be given by the owner or owners thereof, by him, her, or themselves, or by their agents, proxies or legal representatives.

Sec. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to elect one of their own body president: the president and directors thus elected, shall continue in office until the next annual election, and until their successors are elected and qualified.

Sec. 9. All elections after the first shall be held at such time as the stockholders at their first meeting may direct; such subsequent elections to be conducted in all respects as specified in section seven, of this act; three weeks' notice in some newspaper, near to said road, to be given by the said board, of the time and place of said election,

and the directors elected at any such annual election, shall hold their offices for one year, and until their successors are elected and qualified; but should no election be held on the day thus appointed, it shall be lawful to hold an election on some other day, to be appointed by said board, of which notice shall be given as above in this section specified, and to be conducted in the same manner as provided for in section seven; and the directors thus elected, shall hold their offices until the next annual election, and until their successors are elected and qualified.

Sec. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; such certificates shall be signed by the president and countersigned by the clerk of said company: the stock shall be transferred on the books of the corporation, only by the person or persons owning the same in person, or [by] their legally constituted agent or agents, attorney or attorneys, or by their legal representatives, trustees or guardian; and such stock shall be at all times holden by the corporation for any dues from the owner thereof to the corporation, or for any sums that may thereafter become due, on any contract made with such corporation prior to such transfer.

Sec. 11. Such corporation shall have power to call for such portions of the stock subscribed for, (not exceeding fifteen per cent. every six months,) as they may think proper, to be paid at such time and place as they may designate, by giving sixty days' notice thereof in some newspaper, near the said road, or by giving to the stockholders written notice, in which notice shall be specified the amount called for and demanded on each share, and the time and place of payment; and if any stockholder shall fail, neglect or refuse to pay the sum so called for on his, her or their stock, within ten days after the time named for such payment in said notice, the corporation may bring suit against such delinquent for the amount due and called for, in any court having jurisdiction, and recover the amount so called for and unpaid, together with interest from the time of such failure, neglect or refusal; and the evidence to establish such claim of the corporation shall be the order in the journal of the proceedings of said corporation, calling for the instalment on the stock, and proof that the notice above specified has been given; and if the amount so recovered against such delinquent, cannot be made on execution, or if such delinquent is out of the State, then the corporation may, by an order on their said journal of proceedings, declare such stock, and all that may before have been paid thereon, forfeited to said corporation; and no delinquent, after the failure, neglect or refusal aforesaid, and before the stock shall be declared forfeited to the corporation, shall have the right to vote for directors, or receive any dividend on his, her or their stock, until the corporation is fully paid and satisfied: and should any such delinquent or delinquents, be a director or directors, in said corporation, his or their offices of director or directors, may be, by the balance of said board, declared vacated, and they may proceed to fill, from the qualified stockholders in said corporation, such vacancy or vacancies in such board of directors;

and the person or persons so appointed, shall hold their offices until the next annual election, and until their successors are elected and qualified: the corporation shall require of all officers and others in their employ, bonds, with such security as they may think proper, for the faithful performance of their respective duties or undertakings.

Sec. 12. The said corporation shall have power to examine and survey, and locate a route, and make and construct on such route, a Railroad from some convenient point in the town of Knightstown, in Henry county, to intersect the Shelbyville and Madison Railroad at some convenient point, at or near Shelbyville, in Shelby county: said points shall be designated by said board, and when so designated they shall record the same in the journal of proceedings of said board, which shall preclude the said corporation from ever designating or fixing any other points of commencement or termination; when said points shall have been designated, as before mentioned, the said corporation may by themselves or agent, examine, survey and locate a Railroad route from such commencing and terminating points, on the most suitable ground, and to build a Railroad on such route.

Sec. 13. And for the purpose of making such examination and location of said Railroad route, it shall be lawful for the said corporation and their agents and persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, wood, or other materials, necessary for the construction of said Railroad; but no stone, or wood, or other materials, shall be taken away from any land, without the consent of the owner thereof, or until the amount of compensation therefor has been ascertained.

Sec. 14. It shall be lawful for said corporation, either before or after the location of said Railroad, to obtain from any person through whose land said road may run, a relinquishment of so much land as may be necessary for the construction of said road, also the stone, timber, and other materials, that may be obtained, and may contract for any such materials, on any lands near to said road, for the benefit of said corporation; and said corporation may receive by gift or grant or bequest, made in writing, by any person capable in law of contracting, made in consideration of such location of said road; and for the benefit of said corporation, lands, money, labor, or any kind of materials or other property, and all such gifts and grants shall be binding; and the said corporation shall have their action at law or in equity, to compel a compliance therewith: *Provided*, That no such contracts, relinquishments, gifts, grants, or bequests, shall be binding unless the same be in writing, and signed by the party making the same.

Sec. 15. That whenever said corporation shall have procured the right of way, as herein provided, they shall be seized, in fee simple, of the right to said land, and shall have the sole use and occupation of the same for the purposes aforesaid, and no person, body politic or corporate, shall in any way interfere with, molest, disturb or injure said corporation, in any of the rights and privileges herein granted.

Sec. 16. The said corporation shall commence the construction of said road within four years from and after the passage of this act, and shall finish the same within ten years thereafter.

Sec. 17. That the said corporation, for the conveyance or transportation of passengers, or any kind of freight, on said road or any portion of it, may charge such sums of money as shall best comport with the interest of said company, and as shall not be oppressive.

Sec. 18. Any person who shall wilfully, mischievously or maliciously, destroy or injure any of the cars, machinery, furniture, apparatus, or other property or thing, belonging or appertaining to said Railroad, or shall wilfully or mischievously place any obstruction on said Railroad, shall, on conviction thereof by presentment or indictment, be fined in any sum not exceeding five hundred dollars, and shall moreover be liable in an action on the case, to any person or persons, bodies politic or corporate, for any and all injuries to persons or property, occasioned thereby.

Sec. 19. The said corporation shall cause to be kept a fair account of the cost of the making and repairing of said road, and every section thereof, with all incidental expenses, and shall also keep a fair account of any and all moneys received from the transportation of freight, mails, or other property or passengers, on said road; and the books of said corporation shall always be kept open for the inspection of stockholders and creditors of said corporation.

Sec. 20. It shall be lawful for the board of county commissioners of any county interested in said road, to subscribe for and and take, for and on behalf of and for the use of such county, such an amount of stock as they may think proper; the taking of which stock shall be by an order of such board of commissioners on their order book.

Sec. 21. Should any person or persons, bodies politic or corporate, having subscribed for any share or shares of the capital stock of said company, feel disposed to withdraw and cancel his obligation for stock subscribed for, he shall be at liberty to do so, at any time before going into the election of directors, to succeed those in this act specified, but not after.

Sec. 22. That said Railroad company is hereby required, *bona fide*, to take stock to the amount of seventy-five thousand dollars of the capital stock, and pay into the treasury, in cash, ten per cent. on the above amount, within two years after the passage of this act; and if default be made, this act of incorporation to be null and void.

Sec. 23. The stockholders in said corporation shall be liable, in a just ratio or proportion, to the amount of their stock held or subscribed for, for all debts incurred or created during their said ownership of said stock, to the full amount of stock subscribed by such person; and in case of a sale or transfer of said stock from the original subscription, it shall not release the original subscriber in his just proportion, from any debt or debts, incurred or created during his, her or their possession of said stock.

Sec. 24. That this charter shall be subject to repeal, upon the violation by the said corporation of any of the provisions herein contained.

SEC. 25. If the directors in said company shall contract any debts for labor upon said road, which shall not be paid when due, by the company in its corporate capacity, they shall be liable individually for the payment of all such dues.

SEC. 26. This act is hereby declared a public act, and shall receive a liberal construction.

SEC. 27. This act to be in force from and after its publication.

CHAPTER CLXXIII.

An Act legalizing a certain Record of the Board of Commissioners of Marshall county.

[APPROVED JANUARY 19, 1846.]

WHEREAS, it is represented to this General Assembly that the memorandum and survey of the State road, leading from Plymouth, in Marshall [county,] to Winnamac, in Pulaski county, was recorded in a certain record of the board of commissioners of said county of Marshall, in the year 1839, and that the said record was for some cause never signed or attested by the proper board of commissioners: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said record of the said board of commissioners, touching the said road, and every thing pertaining thereto, be and the same is hereby legalized, and rendered as valid and effectual in all respects, as though the same had been signed by the proper board of commissioners of said county.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXXIV.

An Act to extend the Burlington and Lafayette State Road.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Doyle, Samuel Favorite and Abraham Fry, of the county of Tippecanoe, be and they are hereby appointed to view, mark and locate the extension of said road, as in this act provided.

SEC. 2. Said State road is hereby extended as follows, to-wit: beginning at the present terminating point thereof, where it intersects the Lafayette and Indianapolis State road, running thence west making the dividing line between sections twenty-one (21) and twenty-eight (28) in township twenty-three (23) range four (4) west, the centre of said road, until the same intersects the east end of the south street, in the town of Lafayette.

SEC. 3. That said commissioners, or any two of them, shall meet in the town of Lafayette, on any day agreed by them, after the first day of March next, and after being duly qualified, shall proceed to lay out, mark and locate the extension of said road, as herein provided, and make return thereof to the board doing county business, in said county of Tippecanoe, on or before the first day of November, 1846.

SEC. 4. Said board doing county business, shall, upon receiving the report of said commissioners, order the same to be recorded among the records of their proceedings; and after recording the same, shall cause the same to be opened and kept in repair as other State roads in said county; and shall allow said commissioners a reasonable compensation for their services as such.

SEC. 5. Should any person, through whose land said extension passes, feel himself aggrieved thereby, the said commissioners shall, upon application to them, assess the damages such owner or owners may have sustained by said extension, taking into consideration the enhanced value of the residue of such owner or owner's real estate adjoining said extension; which amount of damages so assessed, shall be paid to such owner or owners out of the county treasury: *Provided*, That the board doing business of said county, before they allow the payment of the amount of such assessment, shall be satisfied that the same is just and right.

SEC. 6. This act to be in force from and after its passage.

CHAPTER CLXXV.

An Act for the relief of Moses Noble, of Vanderburgh county, and Harrison Borer, of Perry county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bonds of matrimony heretofore existing between Moses Noble and Jemima Noble, of Vanderburgh county, be and the same are hereby dissolved.

SEC. 2. *And be it further enacted*, That the bonds of marriage existing between Harrison Borer and Mary E. Borer, residents of Perry county, be and the same are hereby dissolved.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CLXXVI.

An Act to extend an act entitled "An act to provide for a more efficient mode of expending the Road tax, in the several counties therein named," approved January 15th, A. D., 1844, to the county of Kosciusko.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the provisions of the above recited act, be and the same are hereby extended to the county of Kosciusko.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CLXXVII.

An Act for the relief of Ann Evans, of Martin county, Indiana.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bonds of matrimony heretofore existing between Ann Evans and Brison Evans, of Martin county, Indiana, be and the same is [are] hereby dissolved.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CLXXVIII.

An Act to divorce Matilda Knight, of Clay county, from her husband, Samuel Knight.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bonds of matrimony now existing between Matilda Knight and Samuel Knight, of Clay county, be and the same are hereby dissolved.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CLXXIX.

An Act to incorporate the Rockville and Montezuma Railroad Company.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Austin M. Puett, George K. Steele, Robert B. McEwen, Isaac J. Silliman, Alexander McCune, Arthur Patterson, Matthew Noel, Persius E. Harris, Andrew Foote, James M'Campbell, Morris Hughes, Alexander M. Houston and John G. Davis, and their successors in office, duly elected as hereinafter directed, are hereby constituted and appointed a body politic and corporate, and by the name and style of the "Rockville and Montezuma Railroad Company," shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice whatever; to make and use a common seal, and the same to alter, change or renew at pleasure; and shall be able and capable in law to make contracts and enforce the same, to make and enforce the necessary by-laws, rules and regulations, to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

SEC. 2. The capital stock of said corporation shall be fifty thousand dollars, divided into shares of fifty dollars each.

SEC. 3. The directors named in this act, or a majority of them, may meet at such time and place as they may agree on, and organize said corporation by electing one of their body president, and after such organization, any three of the board shall be a quorum; but after an election for directors it shall require five to form a quorum.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other officers and persons necessary to carry into effect the objects of this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws, rules, and regulations, and all orders for the payment of such allowances as may be made to their officers, and all others in their employ, which journal shall from time to time be read by the board and if found to be correct signed by the president; they may sit on their own adjournments, or on the call of the president; when the president is absent, they may appoint a president *pro tempore;* they shall fill all vacancies that may happen in their own body.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such time and at such place or places as they may choose, due notice of which shall be given; in each of which books the following entry shall be made: "We, the undersigned, promise to pay the sum of fifty dollars for each share of stock set opposite to our names, in such manner and proportions

and at such time as the president and directors of the Rockville and Montezuma Railroad company may direct. Witness our hands this —— day of ————, 184—.

Sec. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of any State or United States, on behalf of the same, to subscribe for any amount of capital stock; and the books shall be kept open for any such space of time and at such place or places as the corporation shall choose, and may be re-opened at any time, and they may, by any agent, offer for sale in any other State, any amount of stock, upon such terms and conditions as may be thought advisable; they shall have power, on their own credit, to borrow money on such terms as may be agreed on by the parties: the corporation may require such sum of money to be paid at the time of subscribing (not exceeding five dollars on each share) as they may think proper; but such requisition shall be made known by being inserted in the notice for opening the books; and any future payment on the stock shall be under the control of the corporation.

Sec. 7. As soon as twenty thousand dollars of the stock is subscribed, it shall be the duty of the corporation to give four weeks' notice thereof in a newspaper, printed in Parke county, and in such notice appoint a time for the stockholders to meet and elect seven directors, who shall be stockholders to the number of at least five shares each and citizens of the State; which election of directors shall be conducted by two judges, appointed by the stockholders present, and the persons having a plurality of votes given and counted in public, shall be declared duly elected; any stockholder shall have the right to vote, who owns one share at the time of election: in all elections one share shall entitle the holder to one vote, and the votes may be given by the persons owning the same, or by one of any partnership, or by the husband, father, mother, administrator, executor, trustee or guardian, or by the authorized agent of any corporation, State or United States, or any person having the right to vote may vote by proxy.

Sec. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their body to be president; the president and directors thus elected shall continue in office until the next annual election, and until their successors are elected and organized.

Sec. 9. All elections, after the first, shall be held on the first Monday of October, annually, under the direction of three stockholders, not directors at the time, to be appointed by the board at a previous meeting, or by the stockholders present, of which election notice shall be given: *Provided*, That if from any cause whatever, there should be no election held on the day appointed by this act, or by the directors for the first election, it shall be lawful to hold the election on another day.

Sec. 10. Certificates of stock shall be given to the stockholders,

which shall be evidence of the stock held; they shall be signed by the president, and countersigned by the clerk: the stock shall be transferable on the books of the corporation only personally, or by an agent, attorney, or by the administrator, executor, trustees or guardian; but such stock shall at all times be holden by the corporation, for any dues from the holders thereof, or for any sum that may hereafter become due on a contract made prior to such transfer.

Sec. 11. The corporation shall have power to call for such proportions of the stock subscribed (not exceeding twenty-five per cent. of the amount of stock every six months) as they may think proper, to be paid at such time and place as they may designate, by giving sixty days' notice in the several newspapers, printed in the county in the first section of this act mentioned, or by giving written notice to the stockholders; in all such notices the amount of each share demanded and the time and place of payment shall be set forth; and if any stockholder shall neglect or refuse to pay such requisition within ten days after the time mentioned for such payment, the corporation may bring suit against such delinquent for the amount due, in any court of competent jurisdiction, and recover the amount, with two per cent. a month interest thereon, for such detention; and if the amount cannot be made on execution, or if the delinquent is out of the State, then the corporation may, six months thereafter, by order on their books, declare such stock forfeited to the corporation, with whatever amount may have been paid thereon; and the same shall be thereby absolutely forfeited to the corporation; and no such delinquent, before the forfeiture of his stock, shall have the right to vote for directors, or receive any dividend on his, her or their stock, until the corporation is fully paid and satisfied.

Sec. 12. The corporation shall require of all officers, and others in their employ, bonds, with security to their acceptance, with such penalty as they may think proper, for the faithful performance of their respective duties.

Sec. 13. The corporation, by their agents, shall have full power from time to time, to examine, survey, mark and locate the route for a Railroad, for a single or double track, commencing at Rockville, Parke county, and running on the best ground, for the interest of the company and convenience of the public, to Montezuma, in the same county, with full power in all cases to diverge from a direct line, where more favorable ground can be had for the construction of the road; the same not to be more than fifty feet in width.

Sec. 14. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, gravel, wood, or other materials necessary for the construction of said road; but no stone, wood, gravel or other materials, necessary for the construction of said road, shall be taken away from any land without the consent of the owner thereof, until the rate of compensation shall be ascertained and paid.

SEC. 15. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from the person or persons through whose land the same may pass, a relinquishment of so much of the land as may be necessary for the construction or location of said road; as also, the stone, gravel, timber, or other materials that may be obtained on said route, and may contract for stone, gravel, timber, and other materials: and it shall be lawful for said corporation to receive by donation, gifts, grants, or bequests, land, money, labor, property, stone, gravel, or other materials, for the benefit of said corporation; and all such contracts, relinquishments, donations, grants and bequests, made and entered into in writing by any person or persons capable in law to contract, made in consideration of such location, for the benefit of the corporation, shall be binding and obligatory, and the corporation may have their action at law in any court of competent jurisdiction, to compel the same: *Provided*, That all such contracts, relinquishments, donations, gifts, grants and bequests, shall be fully and plainly made in writing, signed by the party making the same.

SEC. 16. That in all cases where any person through whose land the road may run, shall refuse to relinquish the same, or when a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the county, that such facts do exist, and such justice of the peace shall thereupon summon the owner of such land to appear before him on a particular day, within ten days thereafter, and shall appoint twelve disinterested persons of the neighborhood who shall, after taking an oath faithfully and impartially to assess the damages, if any, view the lands or materials, and after having taken into consideration the advantages as well as disadvantages the road may be to the same, shall report thereon, whether such person is entitled to damages or not, and if so, how much, and shall file such report with such justice: whereupon such justice shall enter judgment thereon, unless for good cause shown; and in case either party should show sufficient cause why judgment should not be rendered, the justice may grant a re-view of the premises, either with or without the costs: *Provided*, That either party may, at any stage of the proceedings, appeal to the circuit court of the proper county, as in other cases, and such court shall appoint re-viewers, as above directed, who may report at that or the ensuing term, at the discretion of the court, and the judgment of the circuit court shall be final.

SEC. 17. And in all cases where the owner or owners of such land or materials, shall be minors, insane persons or idiots, or reside out of the county in which such land is situated, such justice shall cause three notices of the application made, and the day fixed for the appointment of viewers, to be posted up in three of the most public places in the county, and if no person shall attend on the day named in said notice, the justice shall adjourn the same until that day two weeks, at which time he shall proceed as if such person or persons had been duly notified to attend; and on such judgment

being rendered, the corporation complying therewith, by the payment of costs or damages awarded against them, the corporation shall be seized of the land or materials: costs shall be allowed or awarded against either party, at the discretion of the justice.

SEC. 18. That if it shall be found necessary or advantageous to the location and construction of said road, the corporation shall have the right to lay the same along and upon any State or county road: *Provided however*, That before any such location is made, the corporation shall make application to the county commissioners of the proper county, for such right; and the said commissioners are hereby vested with power to grant the same, by an order entered on record: *Provided also*, That such right shall be granted on condition that the corporation shall leave a sufficiency of said State or county road in as good repair, for common use, as it was previous to such occupation.

SEC. 19. The corporation shall commence the construction of said road any time within five years, and from time to time, construct so much towards the point of destination as may be within the ability and to the interest of said company, and shall complete it within fifteen years from its commencement: *Provided also*, That if any of said road shall be completed within the time aforesaid, that then and in that case, all the rights, privileges and benefits granted to said company in this act, shall be extended to and invested in said corporation, to such part of said road as shall then be completed.

SEC. 20. It shall be the duty of said corporation, whenever any State or county road now established, shall cross or may hereafter cross the Railroad, to make and keep in repair good and sufficient causeways, so that the free use of the road shall not be obstructed; and in all cases where any person shall own land on both sides of said road, and there shall not be any causeway for a public road, leading from one tract to the other, the owners of such lands shall have the right, free of charge, to cross the same, and to make such causeways as may be necessary for the convenience of said owner: *Provided*, That such owner of land shall not injure or obstruct said road.

SEC. 21. That it shall be lawful for said corporation to place or prescribe the kind of carriages that may be used on said road, whether propelled by steam or other power, for the transportation of passengers, for all kinds of products, lumber, goods, wares and merchandize, or any other kind of property; and for this purpose the corporation may construct said road with such locks, turns, gates, bridges aqueducts, culverts, toll and ware houses as may be considered necessary for the interest of the company and convenience of the public: and the corporation may charge tolls and freights on such part of the road as may be in a sufficient state for travel, although the whole be not finished; and they may charge for travel and transportation on the same, when it is graded and bridged, although the rails may not be laid so as to admit carriages thereon.

SEC. 22. The corporation may charge and receive such tolls and freights for the transportation of persons, commodities and carriages, on said road or any part thereof, as shall be for the interest of said

company, and to change, lower or raise at pleasure: *Provided*, That the rates established, from time to time, shall be posted in some conspicuous place or places on said road.

SEC. 23. Semi-annual dividends of so much of the profits as the corporation may deem expedient, shall be made on the first Monday of December and July, annually, unless the directors fix on a different day, and pay the stockholders as soon thereafter as they can with convenience, and no dividends shall be made to a greater amount than the net profits, after deducting all expenses; and the directors may reserve such proportion of the profits, as a contingent fund to meet subsequent expenses, as they shall deem proper.

SEC. 24. That if any person or persons shall knowingly and wilfully injure or obstruct said road, or any part thereof, or shall break, destroy, or deface any work, edifice, device, toll or ware-house belonging thereto, such person or persons so offending, shall pay to the corporation five times the amount of damages actually done, with costs of suit, to be recovered by the corporation, before any court of competent jurisdiction: *Provided*, That all actions commenced by the corporation, for the recovery of damages, shall be commenced within six months from the time such cause of action accrued and not after.

SEC. 25. It shall be the duty of the corporation to cause a full statement of the affairs of the company to be made and exhibited to the stockholders at each annual election, or at any other general meeting of the stockholders, at least one in each year.

SEC. 26. Any number of stockholders owning one-third of the stock may call a general meeting of the stockholders, by giving four weeks' notice in one or more newspapers, and specifying in said notice the object of the call; a majority of the stockholders being represented, they may make such order, relative to the concerns of the company, as a majority may determine.

SEC. 27. The State, in time of war, shall have the right to transport troops, munitions of war, and provisions, free of toll, on said road.

SEC. 28. Should the capital herein granted, not be sufficient to accomplish the intended work, the corporation may increase the same; and the stockholders may, at any general meeting, reduce the number of directors to any number not less than five.

SEC. 29. That if said road, after its completion, shall be suffered to go into decay, or be impassable for one year, unless the same is repaired, this charter shall be taken and considered as forfeited.

SEC. 30. The corporation shall in no case, directly or indirectly, engage in any kind of trade, or deal in merchandize, other than such as may be necessary to carry into effect the object contemplated by this act; nor shall said corporation, under any pretence whatever, enter into any banking business for the purpose of receiving deposites, making discounts, or issuing bills of credit, or bills, or receipts of any description, to pass as a circulating medium.

SEC. 31. This charter is limited to seventy-five years duration.

SEC. 32. The directors of said company that shall contract any debts to laborers, for work done upon said road, shall be liable in their individual capacity for the payment of all such debts which are not paid by the company in its corporate capacity, when due. And the legislature reserves the right to alter or amend this charter, whenever public good may require, or its franchises prove oppressive to the people where they are exercised.

SEC. 33. This act to be in force from and after its passage, and shall be taken to be a public act, and shall be favorably construed for all beneficent purposes.

CHAPTER CLXXX.

An Act to incorporate the town of Hagerstown.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the inhabitants of so much of the county of Wayne as is contained within the following boundaries, to-wit: beginning at Nettle creek on the line between Gellespie, Davis and Company, and Jacob Crull; thence running east in a direct line to West river; thence with the meanderings of said river to the line of Nathaniel Burkhart; thence west along Burkhart's line to the road leading from Hagerstown to Cambridge City; thence south and west so as to include the plot laid out by Sesh and Company; thence north to Nettle creek; thence with the meanderings of said creek to the place of beginning, are created a body corporate and politic, by the name and style of the "Corporation of Hagerstown," and by that name shall be capable of contracting and being contracted with, of sueing and being sued, pleading and being impleaded, answering and being answered unto in all courts and places, either in law or equity, and in all places whatsoever.

SEC. 2. The qualified voters within the bounds of the above described territory shall be required to meet on the first Monday of March, 1846, for the purpose of electing one mayor, four councilmen, one secretary, one treasurer, one street commissioner, and one marshal; and when so assembled, it shall be their duty to select one as inspector, who shall select two judges and two clerks, all of whom being duly sworn, shall proceed to conduct said election in the usual manner of conducting general elections.

SEC. 3. It shall be the duty of the inspector and judges of such election to certify, under their hands and seals, the person or persons who received the highest number of votes for the several offices above enumerated; which certificate shall be filed and put on record

by the secretary of said corporation. The officers thus elected, shall meet within ten days after such election, or a majority of them, and after taking an oath or affirmation faithfully, diligently, and impartially to discharge their duty in their several offices, shall be considered as capable of transacting all the business contemplated by this act of incorporation; and in case of any vacancy in any of the above offices above enumerated, except the office of mayor, the council shall have a right to fill such vacancy. *And be it further enacted*, That all officers elected under this act shall serve one year, and until their successors are elected and qualified; which election, after the first, shall be held by a majority of the council annually.

Sec. 4. The mayor, after taking the oath of office, shall enter into bond, with security to the satisfaction of the council, in the sum of one thousand dollars, payable to the State of Indiana, for the use of the corporation, for the faithful performance of the duties of his office, and shall be vested with all the powers of a justice of the peace, both in civil and criminal cases; and shall be governed by the Statutes of the State regulating justices of the peace in criminal and civil cases: and further, the said mayor shall preside at all meetings of said council, sign all laws enacted for the good government of said corporation, and enforce the same.

Sec. 5. Within ten days after the election, the treasurer and marshal shall each enter into bond for the faithful performance of their several duties as marshal and treasurer of said corporation, in a sum of not less than five hundred nor more than two thousand dollars, to the satisfaction of said council, payable to the State of Indiana, for the use of the corporation; which bonds, with that of the mayor's, shall be deposited with the secretary of said corporation, and upon which suit may be brought for neglect of duty, in the name of the State of Indiana, for the use of the corporation.

Sec. 6. The marshal shall be vested with the powers of a constable, serve all process issued by the mayor, and be governed in all his official acts by the laws of the State regulating the duties of constable; whose fees shall be the same as that of constable for similar services.

Sec. 7. The mayor and council shall have power annually to levy and collect a tax on real and personal property, not to exceed one-fourth of one per centum on its valuation; and on all shows, exhibitions, or amusements which may be exhibited for gain, not less than one nor more than ten dollars for every exhibition: and further, said council shall have power to pass such laws or ordinances as may be necessary to guard against damage by fire, to regulate and govern the markets, to prevent the erection of public nuisances, and remove the same, and generally to enforce, by proper penalties, the observance of all laws and ordinances relative to the police and government of said incorporated town.

Sec. 8. The secretary shall attend all meetings of the council, shall make a record of all their proceedings in a book kept for that purpose, enter in said book all laws and ordinances passed by said

council, and when said council shall direct, it shall be the duty of said secretary to procure from the county auditor an abstract of all the taxable property within the bounds of said corporation, which abstract shall govern said secretary in making out his duplicate.

Sec. 9. It shall be the duty of the marshal, whenever he is furnished with a duplicate of taxes to be collected, duly certified to by the secretary of said corporation, to proceed to the collection of the same within such time as the council of said incorporation may direct, and for such service the council shall allow what they may think just and right.

Sec. 10. When the tax on any property or lot, except personal property, cannot be collected without distress and sale, the marshal shall return said delinquent property to the auditor of the county, with the amount of tax due said corporation, who shall enter said tax on his duplicate, which tax shall be collected under the same laws that State and county taxes are collected by the county collector; and when so collected, the treasurer of said county shall pay over the same to the treasurer of such incorporation.

Sec. 11. The bounds of said incorporation shall constitute one road district, which road district shall be under the control of the council of said incorporation, who may order the street commissioner to keep the same in good repair; which street commissioner shall have all the authority of a supervisor over the hands within the bounds of said district, who shall be subject to the order of the street commissioner in the amount of labor necessary to be done, and said commissioner to the order of the council; which street commissioner shall be allowed such compensation as the council may deem just and right.

Sec. 12. All monies arising from fines, licenses, and other sources accruing under the regulations of said corporation shall be paid into the treasury thereof, and shall be expended under the direction of the council, to the repairs of the streets and such other improvement as they may deem most expedient.

Sec. 13. The council of said incorporation shall not, at any time, have the right of taking stock in any corporated or unincorporated company whatever, making the citizens of said incorporation of Hagerstown liable therefor.

Sec. 14. This act to be in force from and after its passage.

CHAPTER CLXXXI.

An Act to incorporate the White River Presbyterian Church and Society, in Greene county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That L. B. Edwards, Abraham Wood, C. E. Wood, Cyrus W. Conant, Robert Simpson, Peter Ingersoll, William Osborn, Richard Haxton, and A. G. Skinner, and their successors in office, are hereby constituted a body politic and corporate, and shall be known by the name and style of the trustees of the White River Presbyterian Church and Society, and by said corporate name may sue and be sued, plead and be impleaded in any court in this State, and by that name have perpetual succession, and be capable of purchassing, holding, bargaining, and selling any property, either real or personal, for the use of said church, both by legal and equitable title, not to exceed in value fifty thousand dollars.

SEC. 2. The said trustees and their successors shall be impowered to receive any and all subscriptions, gifts, grants, donations, and bequests, which shall be applied solely to the use and benefit of such church, in the manner the trustees thereof may deem most proper and expedient.

SEC. 3. It shall be lawful for such trustees to hold meetings at such place and at such times as it may be deemed by them necessary and their business may require; sit on their own adjournment, or the call of the proper officer, or a majority of such trustees; and to elect and appoint their officers, and establish such rules and by-laws for their government from time to time as a majority may determine: *Provided however*, That such rules and by-laws shall not be incompatible with the constitution of the United States or of the State of Indiana.

SEC. 4. It shall be lawful for the members of the White River Presbyterian Church and Society to perpetuate the board of trustees hereby appointed by annual appointment, or by any other mode they may deem proper; and also, to fill all vacancies which may at any time occur in said board.

SEC. 5. It shall be the duty of said board of trustees to keep a record of their proceedings, which shall be at all times open to the inspection of all persons concerned.

SEC. 6. This act to take effect and be in force from and after its passage.

CHAPTER CLXXXII.

An Act for the relief of James P. Creager, of Knox county.

[APPROVED JANUARY 20, 1846.]

WHEREAS, James P. Creager, of Knox county, made application at the March term of the Knox circuit court, A. D. 1845, for the privilege of erecting a mill dam upon land belonging to him across Black creek in said county, to-wit: on the north-west quarter of the south-east quarter of section twenty-nine, town. five north, of range seven west, and that such proceedings were had thereon that the following return of a jury of inquest was made upon a writ of *ad quod damnum* issued thereon, to-wit: "That said James P. Creager might erect a dam at said point on Black creek to the height of seven feet and one-half, without injury to any person whatever:" but that in consequence of said Black creek having been declared to be a public highway, though the same is in nowise navigable or can be made so, it has been deemed necessary to seek legislative aid: Wherefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That James P. Creager, of the county of Knox, be authorized to erect a mill dam seven and one-half feet high across Black creek, in said county, at some point on said creek upon the north-west quarter of the south-east quarter of section twenty-nine, town. five north, of range seven west.

SEC. 2. This act to take effect from and after its passage.

CHAPTER CLXXXIII.

An Act to incorporate the Covington Band of Musicians.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That D. T. Holliday, John S. Gabrial, Julius Ditsh, J. G. Uhler, F. M. Clark, Joseph Miller, C. S. Vickers, Soloman Turman, R. Pribble, R. P. Vickers, C. L. Hansicker, F. A. Olds, Daniel Morris, J. H. McCormack, James Phillips, and their associates and successors, be and they are hereby constituted and declared a body politic and corporate, to be known by the name and style of the "Covington Band," with perpetual succession, and with full power to contract and be contracted with, sue and be sued, plead and be

impleaded, answer and be answered unto in law and equity, and in all courts of legal proceedings whatever; to make, have, and use a common seal, and the same to alter or renew at pleasure.

Sec. 2. Said band is hereby authorized and empowered to adopt a constitution, and to make, establish, and enforce such by-laws, rules, and ordinances under said constitution as they may deem proper, not inconsistent with the constitution and laws of the United States and of the State of Indiana.

Sec. 3. Said band may make and appoint all officers necessary for the management and direction of the same; may regulate the manner of appointing or electing such officers, and their term of service, and make such rules and regulations for the reception or expulsion of members as they may deem meet and proper.

Sec. 4. Such corporation may receive donations in money or property, and may purchase property, musical instruments, or books, and may hold and donate the same to the purposes of the band, and may sell and convey any or all such property.

Sec. 5. The legislature reserves to itself the right to amend and alter this charter any time hereafter, or annul the same in case of forfeiture.

CHAPTER CLXXXIV.

An Act relative to the Laporte County Library.

[APPROVED JANUARY 19, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners of the county of Laporte are hereby authorized to direct the payment, out of the county treasury, of all debts outstanding against the Laporte county library.

Sec. 2. The board of commissioners of said county shall have power to appropriate out of the county treasury any sum not exceeding two hundred dollars in any one year, for the purchase of books for said library.

Sec. 3. This act shall take effect and be in force from and after its passage.

CHAPTER CLXXXV.

An Act to incorporate the Crawfordsville and Wabash Railroad Company.

[APPROVED JANUARY 19, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Henry Crawford, John M. Fisher, William Binford, John Wilson, John Burk, Jacob Winn, Joel Lee, James Businberry, Jacob Chrisman, Abijah O'Neal, Ozra P. Jennison, Joshua Harrison and Isaac C. Elston, of the county of Montgomery, and their successors in office, be and they are hereby declared a body politic and corporate, and by the name and style of "the President and Directors of the Crawfordsville and Wabash Railroad Company," shall be capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto in any and all courts whatever, to make and use a common seal, and the same to alter or change at pleasure, and shall be and are hereby authorized and empowered to make contracts, and make and enforce the necessary by-laws, rules and regulations to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

Sec. 2. The capital stock of said corporation shall be two hundred thousand dollars, divided into shares of fifty dollars each, with power on the part of said corporation to increase the capital stock, if necessary to accomplish the object herein contemplated.

Sec. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree on, and organize said corporation by electing one of their body president, and after such organization any five of them shall be a quorum to do business.

Sec. 4. The said corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other persons and officers necessary to carry into effect this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws and regulations, and all orders for the payment of such allowances as may be made to their officers, and all others in their employment; which journal and proceedings shall from time to time be signed by the president: they may sit on their own adjournments, or meet on the call of the president; when the president is absent from a meeting, they shall appoint one of their number president *pro tempore*, and they shall fill all vacancies that may happen in their own body.

Sec. 5. The corporation shall cause books to be opened, at such times and places as they may choose, due notice of which shall be given in some public newspaper, printed and published in the vicinity of said Railroad, in each of which books the following entry shall be made: "We, the undersigned, promise to pay the sum of fifty dollars for each share of stock set opposite to our respective names, in such

manner and proportions and at such times as the president and directors of the Crawfordsville and Wabash Railroad company may direct. Witness our hands, this—— day of ————, 18—."

SEC. 6. It shall be lawful for all persons of lawful age, or for any corporate body in the United States, by their constituted officers or agents, to subscribe for any amount of the capital stock of said Railroad company; and the said corporation may, by their officers or authorized agent or agents, offer for sale, in any of the States of the United States, any amount of their stock, upon such terms and conditions as may be thought advisable; and said corporation shall have power to borrow money, on their own credit, upon such terms as may be agreed upon by the parties: the said corporation may require such sum of money to be paid at the time of subscribing for stock, not exceeding five dollars on each share, as they may think proper; but the amount required to be paid on each share subscribed for, shall be made known in the notice for opening the books, and any future instalments or payments on stock, shall be under the control of and regulated by the said company, subject to the restrictions hereinafter mentioned.

SEC. 7. As soon as two hundred shares of said stock are subscribed for, and the amount required in said notice to be paid on each share at the time of subscription shall have been paid in, it shall be the duty of said corporation to give three weeks' notice thereof in some public newspaper or newspapers near to said Railroad, and in said notice appoint a time and place for the stockholders to meet and elect thirteen directors, who shall be stockholders and citizens of this State, and which election shall be by ballot, and conducted under the superintendence of an inspector and two judges, selected by a majority of the stockholders present at such election, and the thirteen persons receiving the highest number of votes shall be declared duly elected: in all elections each share shall entitle the owner thereof to one vote, and any person or persons, being the owner or owners of more than one share of said stock, shall be entitled to a vote for each share, the vote or votes, in all cases, to be given by the owner or owners thereof, by him, her, or themselves, or by their agents, proxies or legal representatives.

SEC. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to elect one of their own body president: the president and directors then elected, shall continue in office until the next annual election, and until their successors are elected and qualified.

SEC. 9. All elections after the first shall be held on the first Monday in January in each year, to be conducted in all respects as specified in section seven, of this act; three weeks' notice in some public newspaper, near to said road, shall be given by said board, of the place of holding such election, and the directors elected at any such annual election, shall hold their offices for one year, and until their successors are elected and qualified; but should no election be held on said first Monday in January, in any year, it shall be lawful to

hold an election on some other day, to be appointed by said board, of which notice shall be given as above in this section specified, and to be conducted in the same manner as is provided for in section seven; and the directors thus elected shall hold their offices until the next annual election, and until their successors are elected and qualified.

SEC. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; such certificates shall be signed by the president and countersigned by the clerk of said company: the stock shall be transferred on the books of the corporation only by the person or persons owning the same, in person, or by their legally constituted agent or agents, attorney or attorneys, or by their legal representatives, trustee or guardian; and such stock shall be at all times holden by the corporation for any dues from the owner thereof to the corporation, or for any sum that may thereafter become due, on any contract made with said corporation prior to such transfer.

SEC. 11. The said corporation shall have power to call for such portions of the stock subscribed for (not exceeding fifteen per cent. every six months) as they may think proper, to be paid at such time and place as they may designate, by giving sixty days' notice thereof in some newspaper near to said road, or by giving to the stockholders written notice, in which notice shall be specified the amount called for and demanded on each share, and the time and place of payment; and if any stockholder shall fail, neglect or refuse to pay the sum so called for on his, her or their stock, within ten days after the time named for such payment in said notice, the corporation may bring suit against such delinquent for the amount due and called for, in any court having jurisdiction, and recover the amount so called for and unpaid, together with interest from the time of such failure, neglect or refusal; and the evidence to establish such claim of the corporation shall be the order in the journal of the proceedings of said corporation, calling for the instalment on the stock, and proof that the notice above specified has been given; and if the amount so recovered against any such delinquent cannot be made on execution, or if such delinquent is out of the State, then the corporation may, by an order on their said journal of proceedings, declare such stock, and all that may before have been paid thereon, forfeited to said corporation; and no delinquent, after the failure, neglect or refusal aforesaid, and before the stock shall be declared forfeited to the corporation, shall have the right to vote for directors, or receive any dividend on his, her or their stock, until the corporation is fully paid and satisfied: and should any such delinquent or delinquents, be a director or directors, in said corporation, his or their offices of director or directors may be, by the balance of said board, declared vacated, and they may proceed to fill, from the qualified stockholders in said corporation, such vacancy or vacancies in such board of directors; and the person or persons so appointed, shall hold their office or offices until the next annual election, and until their successors are elected and qualified: the corporation shall require of all officers and others in

their employ, bonds, with such security as they may think proper, for the faithful performance of their respective duties or undertakings.

SEC. 12. The said corporation shall have power, by themselves or agents, to examine, survey and and locate a route, and make and construct on such route a Railroad, from some convenient point in the town of Crawfordsville, Montgomery county, to some convenient point on the Wabash and Erie Canal, at or below the city of Lafayette, in Tippecanoe county, or at or near to the town of Covington, in Fountain county, or at any point between the above named places; the commencement of said Railroad route shall be in said town of Crawfordsville, but the particular point of commencement, in said town, shall be designated and established by the board of directors next succeeding those in this act mentioned; and the terminating point of said Railroad route shall be designated and settled by the same board of directors; and when said board shall have designated and settled upon the commencing and terminating points of said Railroad route, they shall record the same in the journal of proceedings of said board, which shall preclude the said corporation from ever designating or fixing any other points of commencement or termination; and when said points of commencement and termination shall have been designated and settled, as before mentioned, the said corporation shall have power and they are hereby authorized, by themselves or agents, to examine, survey and locate a Railroad route from such commencing to such terminating point, on the most suitable ground, and such as will be the most conducive to the public good, and the interest of said corporation, and to build and construct a Railroad on such route, and to fit the grade and superstructure of such Railroad for such motive power as may be determined on by said corporation: *Provided however*, That said Railroad route shall not be located on any State or county road, without the said corporation first having obtained permission so to do from the board of county commissioners of a county in which a State or county road is sought to be used, and which permission, when once given and entered on the order book of said commissioners, shall be irrevocable during the existence of this corporation: *Provided*, Said corporation, before asking for the use of such State or county road, shall give three weeks' notice in some newspaper, printed in the county where such application is to be made.

SEC. 13. And for the purpose of making such examination and location of said Railroad route, it shall be lawful for said corporation and their agents and persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, wood, or other materials, necessary for the construction of said Railroad; but no stone, or wood, or other materials, shall be taken away from any land, without the consent of the owner thereof, or until the amount of compensation therefor has been ascertained and paid for.

SEC. 14. It shall be lawful for said corporation, either before or

after the location of said Railroad, to obtain from any person or persons through whose land said road may run, a relinquishment of so much land as may be necessary for the construction of said road, also the stone, timber, and other materials, that may be obtained on said route, and may contract for any stone, timber, and other materials, on any lands near to said road, for the benefit of said corporation; and said corporation may receive by gift, grant, donation or bequest, made and entered into in writing, by any person or persons capable in law of contracting, made in consideration of such location of said road, and for the benefit of said corporation, lands, money, labor, stone, timber, or any other kind of property; and all such gifts, grants, donations and bequests shall be binding and obligatory; and the said corporation shall have their action at law or in equity, to compel a compliance therewith: *Provided*, That no such contracts, relinquishments, gifts, grants, donations or bequests, shall be binding and obligatory unless the same be in writing, and signed by the party making the same.

SEC. 15. That whenever said corporation shall have procured the right of way, as herein provided, they shall be seized, in fee simple, of the right to said land, and shall have the sole use and occupation of the same for the purposes aforesaid, and no person, body politic or corporate, shall in any way interfere with, molest, disturb or injure said corporation, in any of the rights and privileges granted.

SEC. 16. The said corporation shall commence the construction of said road within two years from and after the passage of this act, and shall finish the same within ten years thereafter.

SEC. 17. That the said corporation, for the conveyance or transportation of passengers, or any kind of freight, on said road or any portion of it, may charge such sum of money as shall best comport with the interest of said company, and as shall not be considered oppressive.

SEC. 18. Any person who shall wilfully, mischievously or maliciously, destroy or injure any of the cars, machinery, furniture, apparatus, or other property or thing, belonging or appertaining to said Railroad, or shall wilfully, mischievously or maliciously place any obstruction on said Railroad, shall, on conviction thereof by presentment or indictment, be fined in any sum not exceeding five hundred dollars, and shall moreover be liable in an action on the case, to any person or persons, bodies politic or corporate, for any and all injuries to persons or property, occasioned thereby.

SEC. 19. The said corporation shall cause to be kept a fair account of the costs of the making and repairing of said road, and every section thereof, with all incidental expenses, and shall also keep a fair account of any and all moneys received from the transportation of freight, mails, or other property or passengers, on said road; and the books of said corporation shall always be kept open for the inspection of stockholders and creditors of said corporation.

SEC. 20. It shall be lawful for the board of county commissioners of any county interested in said road, (a majority of the legal voters of any such county instructing them so to do,) to subscribe for and take, for and on behalf of and for the use of such county, such an amount of stock as they may think proper; the taking of which stock shall be by an order of such board of commissioners on their order book.

SEC. 21. Should any person or persons, body politic or corporate, having subscribed for any share or shares of the capital stock of said company, feel disposed to withdraw and cancel his obligation for stock subscribed for, he shall be at liberty to do so, at any time before going into the election of directors, to succeed those in this act specified, but not after.

SEC. 22. The stockholders in said corporation shall be liable, in a just ratio or proportion, to the amount of their stock held or subscribed for, for all debts incurred or created during their said ownership of said stock; and in case of sale or transfer of said stock from the original subscription, it shall not release the original subscriber in his just proportion, from any debt or debts, incurred or created during his, her or their possession of said stock: the stock subscribed to said company shall be exempt from taxation until said road is in operation.

SEC. 23. That this charter shall be subject to repeal, upon the violation by the said corporation of any of the provisions herein.

SEC. 24. This act is hereby declared a public act, and shall receive a liberal construction.

SEC. 25. This act to be in force from and after its passage.

CHAPTER CLXXXVI.

An Act to incorporate the Peru and Indianapolis Railroad Company.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That James T. Miller, George S. Finemore, William Kesler, Richard L. Briton, William J. Holman and Nathan O. Ross, of Miami county, and David Foster, of the county of Richardville, and Newton J. Jackson, of the county of Tipton, H. W. Clark, Thomas T. Butler and Elijah Cottingham, of the county of Hamilton, and their successors in office, duly elected as hereinafter directed, are hereby constituted a body corporate and politic, and by the name and style of the President and Directors of the Peru and Indianapolis Railroad Company, shall be able and capable in law to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice whatever, to make and use a common

seal, and the same to alter, change or renew at pleasure; and shall be able and capable in law to make contracts and enforce the same, to make and enforce the necessary by-laws, rules and regulations, to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

SEC. 2. The capital stock of said corporation shall be five hundred thousand dollars, divided into shares of fifty dollars each.

SEC. 3. The directors named in this act, or a majority of them, may meet at such time and place as they may agree on, and organize said corporation by electing one of their body to be president, and after such organization, any three of the board shall form a quorum; but after an election for directors it shall require five to form a quorum.

SEC. 4. The corporation shall have power to appoint all officers and servants necessary to carry into effect the objects of this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws, rules, and regulations, and all orders for the payment of such allowances as may be made to their officers, servants, and all others in their employ, which journal shall from time to time be read by the board and if found to be correct shall be signed by the president; they may sit on their own adjournments, or on the call of the president; when the president is absent, they may appoint a president *pro tempore;* they shall fill all vacancies that may happen in their own body.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such time and at such place or places as they may choose, due notice of which shall be given; in each of which books the following entry shall be made: "We, the undersigned, promise to pay the sum of fifty dollars for each share of stock set opposite our names, in such manner and proportions and at such time as the president and directors of the Peru and Indianapolis Railroad company may direct. Witness our hands this —— day of ————, 184—.

SEC. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of any State or of the United States, on behalf of the same, to subscribe for any amount of the capital stock; and the books shall be kept open for such space of time and at such place or places as the corporation shall choose, and may be re-opened at any time, and they may, by an agent, offer for sale in any other State, any amount of stock, upon such terms and conditions as may be thought advisable; and they shall have power, on their own credit, to borrow money upon such terms as may be agreed upon by the parties: the corporation may require such sum of money to be paid at the time of subscribing (not exceeding five dollars on each share) as they may think proper; but such requisition shall be made known by being inserted in the notice for opening the books; any future payments on the stock shall be under the control of the corporation.

SEC. 7. As soon as four hundred shares are subscribed for, it shall be the duty of the corporation to give three weeks' notice thereof in one or more newspapers, and appoint a time and place for the stockholders to meet and elect thirteen directors, who shall be stockholders and citizens of this State; which election shall be held within three months after the last share of the four hundred was subscribed for, and shall be conducted by two judges, appointed by the stockholders present, and the persons having the plurality of votes given, shall be declared duly elected: in all elections each share shall entitle the holder to one vote, and may be given by the authorized agent of any corporation, State or of the United States, or any person having a right to vote may vote by proxy.

SEC. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their body to be president; the president and directors thus elected shall continue in office until the next annual election, and until their successors are elected and organized.

SEC. 9. All elections, after the first, shall be held on the first Monday of September, annually, under the direction of the stockholders present, of which election due notice shall be given: *Provided*, That if from any cause whatever, there should be no election on the day appointed by this act, or by the directors for the first election, said election may be held on any other day.

SEC. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; they shall be signed by the president, and countersigned by the clerk: the stock shall be transferable on the books of the corporation only personally, or by an agent, attorney, or by the administrator, executor, trustees or guardian; but such stock shall at all times be holden by the corporation, for any dues from the holders thereof, to the corporation, or for any sums that may thereafter become due on a contract made prior to such transfer.

SEC. 11. The corporation shall have power to call for such proportions of the stock subscribed (not exceeding twenty-five per cent. of the amount of stock every six months) as they may think proper, to be paid at such time and place as they may designate, by giving sixty days' notice in some weekly newspaper, printed nearest the place where a majority of the stock is held, or by giving written notice to the stockholders; in all such notices the amount on each share demanded and the time and place of payment shall be set forth; and if any stockholder shall neglect or refuse to pay such requisition within ten days of the time named for such payment, the corporation may bring suit against such delinquent for the amount due, in any court having competent jurisdiction, and recover the amount, with interest thereon; and if the amount cannot be made on execution, or if such delinquent is out of the State, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with

whatever amount may have been paid thereon; and the same shall be thereby absolutely forfeited to the corporation; and no such delinquent, after the forfeiture of his stock, shall have the right to vote for directors, or receive any dividend on his, her or their stock, until the corporation is fully paid and satisfied.

SEC. 12. The corporation shall require of all officers, and others in their employ, bonds, with security to their acceptance, with such penalties as they deem proper, for the faithful performance of their respective duties.

SEC. 13. The corporation, by their agents, shall have full power from time to time, to examine, mark, survey and locate a route for a Railroad, for a single or double track, commencing at the town of Peru, in the county of Miami, and running on the best ground, for the interest of the company and the convenience of the public, to the town of Kokomo, in the county of Richardville, and from thence to Canton, in the county of Tipton, and from thence to the town of Noblesville, in the county of Hamilton, and from thence to intersect the Madison and Indianapolis Railroad at Indianapolis, in the county of Marion, with full power in all cases to diverge from a direct line, where more favorable ground can be had for the construction of the road; the same to be not more than eighty feet in width.

SEC. 14. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, gravel, wood, or other materials necessary for the construction of said road; but no stone, wood, gravel or other materials, necessary for the construction of said road, shall be taken away from any land without the consent of the owner thereof, until the rate of compensation shall be ascertained and paid.

SEC. 15. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from the persons through whose land the same may pass, a relinquishment of so much of the land as may be necessary for the construction and location of the road; as also, the stone, gravel and timber, and other materials that may be obtained on the said route, and may contract for stone, gravel, timber, and other materials that may be obtained from any land near thereto: and it shall be lawful for said corporation to receive by donations, gifts, grants, or bequests, land, money, labor, property, stone, gravel, wood, or other materials, for the benefit of said corporation; also, such contracts, relinquishments, donations, gifts, grants or bequests, made and entered into in writing by any person or persons capable in law to contract, made in consideration of such location, for the benefit of said corporation, shall be binding and obligatory, and the corporation may have their action at law in any court having competent jurisdiction, to compel the observance of the same: *Provided*, That all such contracts, relinquishments, donations, gifts, grants and bequests, shall be fully and plainly made in writing, and signed by the party making the same.

SEC. 16. That in all cases where any person through whose land the road may run, shall refuse to relinquish the same, or when a contract by the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the county where such difficulty exists, that such facts do exist, and such justice shall thereupon summon the owner of such land to appear before him on a particular day, within ten days thereafter, and shall appoint twelve disinterested persons of the neighborhood who shall, after taking an oath faithfully and impartially to assess the damages, if any, view the lands or materials, and after having taken into consideration the advantages as well as disadvantages the road may be to the same, and shall report thereon whether such person is entitled to damages or not, and if so, how much, and shall file such report with such justice: whereupon such justice shall enter judgment thereon, unless for good cause shown; and in case either party should show sufficient cause why judgment should not be rendered, the justice may grant a re-view of the premises, either with or without the costs: *Provided*, That either party may, at any stage of the proceedings, appeal to the circuit court of the proper county, as in other cases, and such court shall appoint viewers, as above directed, who may report at that or the succeeding term, in the discretion of the court; and the judgment of the circuit court shall be final.

SEC. 17. And in all cases where the owner or owners of such land or materials, shall be minors or insane persons, or reside out of the county where such land may be, such justice shall cause three notices of the application made, and the day fixed for the appointment of viewers, to be posted up in three of the most public places in the county, and if no person shall attend on the day fixed in said notices, said justice shall adjourn the same until that day two weeks, at which time he shall proceed as though such person or persons had been duly notified to attend; and on such judgment being rendered, the corporation complying therewith, by the payment of costs and damages awarded against them, the corporation shall be seized of the land or materials.

SEC. 18. That if it shall be found necessary and advantageous to the location and construction of said road, the corporation shall have the right to lay the same along and upon any county or State road: *Provided however*, That before such location is made, the corporation shall make application to the county commissioners of the proper county, for such right; and said commissioners are hereby vested with power to grant the same, by an order entered upon their records: *And provided also*, That such right shall be granted on condition that the corporation shall leave a sufficiency of said State or county road in as good repair, for common use, as previous to such occupation.

SEC. 19. That when said corporation shall have procured the right of way, as hereinbefore provided, they shall be seized, in fee simple, of the right to such land, and they shall have the sole use and occupancy of the same, but not to interfere with the right of way of any Railroad company heretofore incorporated; and no person,

body politic or corporate, shall in any way interfere with, molest, disturb or injure any of the rights or privileges hereby granted, or that would be calculated to detract from or affect the profits of said corporation.

SEC. 20. The incorporation shall commence the construction of said road at Peru, Miami county, at any time within five years, and from time to time, construct so much thereof towards the point of termination as may be within the ability and to the interest of the company: *Provided*, That the road shall be completed within twenty-five years from and after the passage of this act: *Provided*, That if the road shall not be completed within the time aforesaid, the General Assembly may for good cause shown give further time to complete the same.

SEC. 21. It shall be the duty of said corporation, whenever any State or county road now established shall cross the Railroad, to make and keep in repair good and sufficient causeways, so that free use of said State or county road shall not be obstructed; and in all cases where any persons shall own land on both sides of said Railroad and there shall not be any causeway for a public road, leading from one tract to the other, the owners of such lands shall have the right, free of any charge, to cross the same, and to make such causeways as may be necessary for the convenience of such owner: *Provided*, That such owner of land shall not injure or obstruct said road.

SEC. 22. It shall be lawful for said corporation to place on or prescribe the kind of carriages that may be used on said road, whether propelled by steam or other kind of power, for the transportation of passengers, for all kinds of produce, lumber, goods, wares and merchandize, or any other kind of property; and for this purpose the corporation may construct said road with such locks, turns, gates, bridges, aqueducts, culverts, toll and ware houses as may be considered necessary for the interest of the company and the convenience of the public: and the corporation may charge tolls and freights on such part of the road as may be in a sufficient state for travel, although the whole is not finished; and they may charge for travel and transportation on the same, when it is graded and bridged, although the rails may not be so far laid as to admit carriages thereon.

SEC. 23. The corporation may charge and receive such tolls and freights for the transportation of persons, commodities and carriages, on said road or any part thereof, as shall be for the interest of the company, and the same to change, lower or raise at pleasure: *Provided*, That the rates established, from time to time, shall be posted up in some conspicuous place or places on said road.

SEC. 24. That when the aggregate amount of dividends declared, shall amount to the full sum of the capital invested, and six per cent. per annum interest thereon, the legislature may so regulate the tolls and freights that not more than fifteen per cent. per annum on the capital shall be divided; and the surplus profits, if any, after paying the expenses and reserving such proportions as may be necessary for future contingencies, shall be paid over to the treasurer of State, for

the use of common schools; but the corporation shall not be compelled by any laws to reduce the tolls and freights so that a dividend of fifteen per cent. cannot be made: and it shall be the duty of the corporation to furnish the legislature, at each session thereof, with a correct statement of the amount of expenditures and of the amount of profits, after deducting all expenses, which statement shall be made under the oath of the officer whose duty it shall be to make the same.

Sec. 25. Half-yearly dividends of so much of the profits as the corporation may deem expedient to make, shall be made on the first Monday in January and July, annually, (unless the directors fix on a different day,) and paid to the several stockholders as soon thereafter as it can with convenience be done; but no dividend shall be made to a greater amount than the net profits, after deducting all expenses; and the corporation may reserve such portion of the profits, as a contingent fund to meet subsequent expenditures, as they may deem proper.

Sec. 26. That if any person or persons shall wilfully and knowingly obstruct or injure said road, or any part thereof, or shall break, destroy, or deface any work, edifice, device, toll or ware-house belonging thereto, such person or persons so offending, shall pay to the corporation three times the amount of damages actually done, with costs of suit, to be recovered by the corporation, before any court having competent jurisdiction.

Sec. 27. The State reserves to itself the right to subscribe for five hundred shares of the stock, at any time within twelve years from the commencement of the work.

Sec. 28. It shall be lawful for the county commissioners of each county through which the road shall pass, for and on behalf of such county, to authorize, by an order, as much stock to be taken as they may think proper.

Sec. 29. It shall be the duty of the corporation to cause a full statement of the affairs of the company to be made and exhibited to the stockholders at every annual election, or at any other general meeting of the stockholders.

Sec. 30. Any number of the stockholders owning one-third of the stock may call a general meeting of the stockholders, by giving four weeks' notice in one or more newspapers, and specifying in such notice the object of the call; and a majority of all the stock being represented, they may make such order, relative to the concerns of the company, as a majority may determine.

Sec. 31. The corporation may, by contract, admit the intersection with said road of any other Railroad, turnpike or other road, or any collateral road.

Sec. 32. The State, in time of war, shall have the right to transport troops, munitions of war, and provisions, free of toll, on said road.

Sec. 33. Should the capital herein granted, not be sufficient to accomplish the intended work, the corporation may increase the same; and the stockholders may, at any general meeting, reduce the number of directors to any number not less than five.

Sec. 34. That when the road is located, it shall be the duty of the corporation to cause a plat of the same to be deposited in the office of the secretary of State, and from and after that time it shall not be lawful for said corporation to alter or change any part of said location, unless said corporation pays to the owner or owners of lands on said changed route, the amount of damages they may sustain by such re-location.

Sec. 35. That if said road, after its completion, shall be suffered to go into decay, or be impassable for one year, unless when the same is repairing, this charter shall be taken and considered as forfeited.

Sec. 36. The corporation shall in no case, either directly or indirectly, engage in any kind of trade, or deal in merchandize, other than is necessary to carry into effect the objects contemplated by this act; nor shall the said corporation, under any pretence whatever, enter into banking business for the purpose of issuing bills of credit, or any bills of any description, to pass or be used as a circulating medium.

Sec. 37. This charter is limited to seventy-five years in duration.

Sec. 38. This act to be in force from and after its passage, and it shall be taken as a public act, and shall be favorably construed for all beneficial purposes therein mentioned.

CHAPTER CLXXXVII.

An Act to authorize the President and Trustees of the town of Lafayette, in Tippecanoe county, to open and grade streets and construct side-walks in said town.

[APPROVED JANUARY 19, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the president and trustees of the town of Lafayette, and their successors in office, are hereby vested with full power and authority to grade or cause to be graded any and all streets that now are or hereafter may be laid out in said town.

Sec. 2. Said president and trustees shall have power at any regular meeting to order any street or streets in said town to be opened and extended of a width not exceeding the width of Main street in said town; and when so opened or extended the same shall be deemed and taken to be a public street or highway, and subject to the regulation and control of said president and trustees: *Provided, however*, That no street shall be opened or extended until at least two-thirds of the resident freeholders on such street shall have made application in writing to said president and trustees for such opening and extension; *And provided further*, That a map or plan of

said street or extension shall be filed and recorded in the recorder's office of said county, and a certified copy of said record, under the hand and seal of said recorder, shall be deemed and taken to be full and complete evidence of the location and extension of such street or streets.

SEC. 3. Should any person feel himself aggrieved by the opening or extension of any street under the provisions of this act, he shall within twenty days after such order, file his complaint in writing in the office of the clerk of the circuit court of said county, setting forth the nature of the damage sustained and the amount thereof.

SEC. 4. Upon the filing of said complaint said clerk shall notify such president thereof, and shall also appoint three disinterested freeholders of said county to hear and determine said complaint at any time after ten days' notice of the pendency of said claim shall have been given to the said president.

SEC. 5. Said arbitrators, after having been duly qualified before some justice of the peace or said clerk, shall meet and hear the proofs and allegations of the parties, and shall award damages, if they see proper, to such complainant, which award shall be returned so such clerk within five days after its rendition.

SEC. 6. Either party may at any time appeal from such award to the circuit court of said county, which appeal shall in all respects be governed by the laws in force regulating the taking and trying appeals from justices of the peace; but should no such appeal be taken, such award, if in favor of complainant, may, on motion in open court, without notice, be made a judgment of court against said president and trustees, on which said court shall issue such process of attachment or otherwise as may be necessary to enforce the payment of the same together with costs.

SEC. 7. Said arbitrators shall receive the sum of one dollar per day for each day necessarily employed as such, and said clerk shall receive one dollar for filing said complaint and notifying the president of that filing, and for the appointment of arbitrators, which sums, together with all other costs, shall be charged against the unsuccessful party, and may be collected as other costs in the circuit court are collected.

SEC. 8. That said president and trustees shall have full power and authority, upon the written application of at least two thirds of the resident freeholders on any street or streets, to order the same to be paved in such a manner as they may direct, having due regard to uniformity; and they are hereby authorized to levy and collect such tax on the real estate on such street proposed to be paved as they may deem sufficient for the purpose aforesaid: *Provided however*, That before any such tax is levied as aforesaid, they shall notify by their marshal or clerk, such resident freeholder and request him to make such pavement in front of his own property as they shall have directed; and on failure for ninety days after such notice to comply therewith, such pavement shall then be made by said president and trustees, and the cost thereof shall be charged against the owner of

such real estate as a tax, and shall be collected as other taxes in said corporation are collected.

SEC. 9. This act shall be in force from and after its publication in some public newspaper printed in said town of Lafayette, at the expense of said corporation.

CHAPTER CLXXXVIII.

An Act fixing a certain annual compensation to the Auditor of Boone county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners of Boone county are herby authorized to allow the county auditor of said county for all services that now are or may hereafter be required of him by law, any amount not exceeding one hundred dollars per annum in addition to his present salary.

SEC. 2. That so much [of] an act entitled "An act fixing a certain annual compensation to the auditors of Hancock and Boone counties," approved February 9th, 1843, as conflicts with the provisions of this act is hereby repealed, so far as the county of Boone is concerned.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CLXXXIX.

An Act for the relief of Peter N. Clark of Marion county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bonds of matrimony now existing between Peter N. Clark and Eliza Jane Clark, be and the same are hereby dissolved.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXC.

An Act to extend the provisions of a certain act to the county of Allen.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of an act entitled "An act to authorize the election of a school commissioner in township nine, range one west, in Franklin county," approved January 13th, 1844, be and the same are hereby extended to the several congressional townships in Allen county.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXCI.

An Act for the relief of Sarah Gregory of Laporte county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the ties and obligations of matrimony heretofore existing between Sarah Gregory and Charles Gregory, her husband, be and the same are hereby forever dissolved; and the said Sarah Gregory is hereby released from all liability on account of said marriage contract, and the same declared as void as though the said marriage contract had never been made or entered into.

CHAPTER CXCII.

An Act authorizing the erection of suitable buildings for the use of the Indiana Hospital for the Insane.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the commissioners of the "Indiana Lunatic Asylum" are hereby authorized to cause to be erected upon the grounds heretofore purchased for that purpose, suitable buildings for the use and accommodation of said institution, which shall hereafter be called and known

by the name of the "Indiana Hospital for the Insane," and also, to make such other improvements upon and about said grounds as they may think expedient and proper.

SEC. 2. Such building shall be constructed in accordance with the general plan therefor, recommended by said commissioners in their report to the present General Assembly: *Provided*, That said commissioners shall have power to make any alterations therein which they may think necessary, and which will not materially increase the cost of said buildings.

SEC. 3. Said board of commissioners are hereby authorized to appoint a superintendent of said hospital, who shall be a well educated physician, and who shall hold said appointment for the term of five years, and until his successor is appointed and qualified, unless sooner removed by act of the General Assembly.

SEC. 4. Such superintendent shall, by virtue of his office, be the secretary of the board of commissioners, and shall, before entering upon the duties of his office, execute a bond, payable to the State of Indiana, in such sum and with such securities as said board of commissioners may require and approve; which bond shall be filed in the office of the Secretary of State, and shall be conditioned for the faithful discharge of all the duties required of him by law.

SEC. 5. It shall be the duty of said superintendent, under the direction of the board of commissioners, to superintend the erection of all buildings and the making of all improvements authorized by law, and to make contracts for furnishing materials, and the doing of any part or all the work contemplated by this act, or otherwise prosecute such work in such manner as may be deemed most expedient. He shall also collect such information in relation to similar institutions as he may think proper, and lay the same before the board of commissioners.

SEC. 6. Such superintendent shall have the superintendence of the land heretofore purchased for the use of said hospital, lease such portions thereof and in such parcels as may be deemed expedient, and apply the proceeds thereof toward the payment of the expenses incurred under the provisions of this act, or pay the same into the treasury of State, taking the treasurers receipt therefor, as the board of commissioners may direct.

SEC. 7. Every account for work done, materials furnished, services performed, or expenses incurred in or about said hospital shall be made out against the "Indiana Hospital for the Insane," and shall contain a particular specification of each item thereof, and when so made out shall be filed with the superintendent of said hospital, who shall record the same in a book to be kept for that purpose, after which the same shall be laid before the board of commissioners for their allowance. Upon being satisfied of the correctness of such account, said board shall allow the same, and direct an order to be drawn for the amount thereof upon the Treasurer of State, which order shall be signed by the president of the board and countersigned by the secretary, and shall be paid out of the funds set apart for said hospital.

SEC. 8. Said board of commissioners shall hold stated meetings at least once a month, and as much oftener as business shall require, at the office of the superintendent, or such other place as they may appoint. They shall keep a record of their proceedings, and shall report the same to both branches of the General Assembly at the commencement of each session, and shall each receive two dollars per day for their services while necessarily employed about the business of said hospital.

SEC. 9. The sum of fifteen thousand dollars is hereby appropriated out of the fund set apart for the lunatic hospital for the purpose of defraying the expenses incurred under the provisions of this act.

SEC. 10. The board of commissioners aforesaid are hereby authorized to sell and convey all or any part of a certain piece or lot of ground situate in the town of Indianapolis, known as the "Hospital Block;" the proceeds of which shall be applied to making the improvements contemplated by this act.

SEC. 11. This act shall take effect and be in force from and after its passage.

CHAPTER CXCIII.

An Act regulating the jurisdiction of Justices of the Peace in the counties of Lake and Porter.

[APPROVED DECEMBER 22, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled "An act to regulate the jurisdiction of justices of the peace in the counties of Lake and Porter," approved January 13th, 1845, be and the same is hereby repealed.

SEC. 2. That the jurisdiction of justices of the peace in said counties of Lake and Porter shall be regulated in all cases by the provisions of the Revised Code of 1843: *Provided*, That all suits now commenced shall not be affected by the passage of this act.

SEC. 3. This act to be in force from and after its passage and publication in the Indiana State Sentinel, and the filing of a copy of this act in the clerks' offices of the counties of Lake and Porter; and it is hereby made the duty of the Secretary of State to forward certified copies thereof to the clerks of the circuit court of each of the said counties of Lake and Porter.

CHAPTER CXCIV.

An Act dissolving the bonds of matrimony between Ransom Gabbert and Eliza Jane Gabbert.

[APPROVED DECEMBER 19, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the marriage contract entered into and solemnized on the fourth day of January, in the year 1844, between Ransom Gabbert and Eliza Jane Winters of the county of Bartholomew, be and the same is hereby dissolved, and the said Ransom Gabbert is hereby declared to be divorced from the said Eliza Jane Gabbert.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXCV.

An Act to dissolve the bonds of matrimony between James Hays of Perry county and Catharine Hays.

[APPROVED DECEMBER 22, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the banns of matrimony existing between James Hays of Perry county and Catharine Hays, be and the same is hereby dissolved.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXCVI.

An Act for the relief of Joseph Carpenter.

[APPROVED DECEMBER 30, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bonds of matrimony heretofore existing between Joseph Carpenter and Polly Davis of Kosciusko county, are hereby dissolved.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXCVII.

An Act to change the mode of electing County Surveyor, in the county of Orange.

[APPROVED DECEMBER 19, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the qualified voters of Orange county, shall, on the first Monday in August next, elect a county surveyor in and for said county, who shall hold his office for the term of two years, and until his successor is elected and qualified.

SEC. 2. *Provided*, That previous to such election, or such person entering upon the discharge of the duties of said office, such person shall produce to the clerk of the Orange circuit court, a certificate from some one of the president judges that he is qualified to discharge the duties of county surveyor.

SEC. 3. The said county surveyor, when so elected and qualified, shall be governed in all respects by the laws now in force governing county surveyors and defining the duties thereof.

SEC. 4. All laws and parts of laws, coming within the purview of this act, so far as the county of Orange is concerned, be and the same is [are] hereby repealed.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER CXCVIII.

An Act to repeal an act therein named.

[APPROVED DECEMBER 22, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the second section of an act, approved January 13th, 1844, extending the provisions of an act, making it the duty of the sheriff of Delaware county to keep a list of the names of witnesses and subpœnas that may be required by the grand jury; but that said sheriff of Delaware county be allowed a sufficient number of bailiffs for the grand jury, during the sitting of the court, and that he be allowed for the same out of the county treasury, by the court.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXCIX.

An Act to attach certain territory therein named to the county of Jennings.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county commissioners of the county of Jennings, be and they are hereby authorized to include in any road district, in said county, the west half of the north-west quarter of section three, in town four north, of range eight east, in the county of Jefferson, and may cause any road running through said tract of land, to be worked by the supervisors and persons of the county, in the same manner they could or would if said tract of land formed a part of Jennings county.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CC.

An Act relating to a contractor on the Madison and Indianapolis Railroad.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That J. H. Sprague be and he is hereby empowered to ascertain, by actual survey and calculation, the amount that may be due J. R. Moreledge, a contractor on the third section of the Madison and Indianapolis Railroad, for work and labor done and materials furnished for said section of said road.

SEC. 2. That in measuring said section, to ascertain the amount due said Moreledge, the said Sprague shall measure the whole work, including extras which ought to be allowed, and deduct all the measurements paid for under the contract from the State, and make such allowance to said Moreledge as may be justly and legally due him; and in making such measurement and calculation, said Sprague shall be governed by the estimate of the principal engineer, made from actual measurement at contract prices, as reported to the legislature at its session of 1836–'37.

SEC. 3. The said Sprague shall, in all things not otherwise directed in this act, be governed by the joint resolution to provide for ascertaining the amounts due contractors and laborers on the Madison and Indianapolis Railroad, approved January 28th, 1843, and the said Moreledge shall be paid in the manner therein pointed out; and

all the officers of State shall be governed in this case by that joint resolution.

SEC. 4. The said Moreledge shall pay all cost attending this measurement, and estimate: *Provided*, Said engineer shall also ascertain if said Moreledge did not receive too great an allowance for the work estimated by Beckwith: *Provided further*, That no money shall be drawn from the State treasury, upon such award, until submitted to and payment ordered by the General Assembly of the State.

SEC. 5. This act to be in force from and after its passage.

CHAPTER CCI.

An Act to vacate a part of Water street, in the town of Rushville, in the county of Rush.

[APPROVED DECEMBER 19, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of Water street, in the town of Rushville, in the county of Rush, as is occupied by a mill and mill race, between Morgan and Main streets, and all portions of said Water street, from said Main street to its terminus at the eastern boundary of said town, be and the same is [are] hereby vacated.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCII.

An Act to dissolve the bonds of matrimony existing between Leonard Crawford and Frances Crawford, of Vigo county, Indiana.

[APPROVED DECEMBER 30, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the marriage contract heretofore existing between Leonard Crawford and Frances Crawford, be and the same is hereby dissolved.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCIII.

An Act to incorporate the Milford and Columbus Railroad Company.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Peter Barley, Stephen Greenleaf, James L. Fugit, Marshall B. Lee, James Sweney, Washington Branham, John Wiley, Timothy Hoosier, John F. Jones and Aaron Johnson, and their associates and successors in office, duly elected as hereinafter provided, are hereby constituted a body corporate and politic, by the name and style of "the Milford and Columbus Railroad Company," and shall be able and capable in law to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice in this State, to make and use a common seal, and the same to alter or amend at pleasure; and shall be able and capable in law to make contracts, and enforce the same, to make and enforce the necessary by-laws, rules and regulations, necesary to enable them to carry into effect the provisions of this act and the objects thereby contemplated, not inconsistent with the laws and constitution of the United States or the State of Indiana.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars, to be divided into shares of twenty-five dollars each, which may be subscribed and paid for as hereinafter directed.

SEC. 3. The directors named in this act, or a majority of them, may meet at such time and place as they may agree on, and organize said corporation by electing one of their own body to be president, and after such organization any three of the board shall be a quorum, but after an election for directors it shall require five to form a quorum.

SEC. 4. The corporation shall have power to appoint agents, clerks, trustees, engineers, superintendents, artists, and all other officers and servants necessary to carry into effect the objects of this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws, rules and regulations, and orders for the payment of such allowances as may be made to their officers, servants and all others in their employ; which journal shall from time to time be read by the board, and if found correct, shall be signed by the president: when the president is absent they may appoint a president *pro tem.*, before they may fill all vacancies that may happen in their own body.

SEC. 5. The corporation shall cause books to be opened, for subscription to the capital stock, at such time and place or places as they may choose, due notice of which shall be given, and in each of which books the following entry shall be made: "We, the undersigned, promise to pay the sum of twenty-five dollars for each share of stock

set opposite our names, in such manner and proportion and at such time as the president and directors shall direct. Witness our hands, this —— day of ————, 184—."

Sec. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of any State or of the United States, on behalf of the same, to subscribe for any amount of the capital stock; the corporation may require such sum of money to be paid at the time of subscribing, not exceeding five dollars on each share, as they may deem most advisable; but such requisition shall be made knowingly, by being inserted in the notice for opening the books; any future payments of the stock, shall be under the control of the corporation.

Sec. 7. As soon as the capital stock shall be subscribed, named in the first section of this act, it shall be the duty of said corporation to give three weeks' notice in one or more public newspapers, and in such notice to appoint a time and place for the stockholders to meet and elect five directors, who shall be stockholders, which election shall be held within thirty days after the last share of stock is subscribed; said election shall be conducted by two judges, appointed by the stockholders present, and the person having the majority of all the votes given, shall be declared duly elected: in all elections each share shall entitle the holder to one vote, and may be given by his agent.

Sec. 8. It shall be the duty of the directors elected as aforesaid, and those elected at all subsequent elections, to meet as soon thereafter as convenient and elect one of their own body to be president: the president and directors thus elected, shall continue in office until their successors in office are elected and qualified.

Sec. 9. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; the same shall be signed by the president and countersigned by the clerk: the stock shall be transferred on the books of said corporation.

Sec. 10. The corporation shall have power to call for such proportions of the stock subscribed, not exceeding twenty-five per cent. of the amount of stock every six months, to be paid at such time and place as they may designate.

Sec. 11. The corporation shall require of all officers and others in their employ, bonds, with security to their acceptance, with such penalty as they may deem proper.

Sec. 12. The corporation shall have power, from time to time, to examine, mark, survey and locate a route for a Railroad, single or double track, as they may deem advisable, commencing at Milford, in Decatur county, and ending at Columbus, in Bartholomew county, with full power to diverge from a direct line, where more favorable ground may be found for the construction of said road.

Sec. 13. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, gravel, wood, or other materials, necessary for the construction of said road; but no such materials shall be taken away from any land, without the consent of the owner, until the rate of compensation shall be ascertained and paid.

Sec. 14. It shall be lawful for said corporation, either before or after the location of said road, to obtain from the persons through whose land the same may pass, a relinquishment of so much of the land as may be necessary for the construction and vacation [location] of the road; as also, stone, gravel and other materials that may be obtained on said route.

Sec. 15. That in all cases where any person through whose land said road shall run, shall refuse to relinquish the same, or when a contract by the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace, in the county where such difficulty exists, and the justice shall thereupon summon the owner of said land to appear before him on a particular day, within ten days thereafter, and shall cause to be summoned twelve disinterested persons of the neighborhood who shall be freeholders, and who shall, after taking an oath faithfully and impartially to assess the damages, if any, and view the lands or materials, and after having taken into consideration the advantages as well as disadvantages the road may be to the same, and shall report thereon whether such person is entitled to damages or not, and if so, how much, and they shall file such report with such justice: whereupon said justice shall enter judgment thereon, unless for good cause shown; and in case either party can show sufficient cause why judgment should not be entered, the justice may grant a re-view, either with or without costs: *Provided*, That either party may, at any stage of the proceedings, appeal to the circuit court of the proper county; and the judgment of the circuit court shall be final.

Sec. 16. That when said corporation shall have procured the right of way, as herein provided, they shall be seized, in fee simple, of the right to such land, and have the sole use and occupancy of the same.

Sec. 17. The corporation shall commence the construction of said road within one year after the taking effect of this act, and from time to time, construct so much in either of the counties through which said road passes as may be within the ability or to the interest of the company, and shall complete the same within eight years from the commencement: *Provided*, That for good cause shown for its non-completion within the time, the legislature may give further time for that purpose.

Sec. 18. It shall be lawful for said corporation to place on or prescribe the kind of carriages that may be used on said road, whether propelled by steam or other power, for the transportation of passengers, for all kinds of produce, lumber, goods, wares and merchandize, or any other kind of property; and for this purpose the corporation may construct said road with such locks, turns, gates, bridges, culverts, toll houses, as may be considered necessary for the interest of the company and the convenience of the public: and the corporation may charge tolls and freights on such part of the road as may be in sufficient state of travel, although the whole is not finished.

SEC. 19. The corporation may charge and receive such tolls and freights for the transportation of passengers, commodities and carriages, on said road, as shall be for the interest of said company, and the same to alter at pleasure: *Provided*, That the rates established, from time to time, shall be posted up in some conspicuous place on said road.

SEC. 20. It shall be the duty of the corporation to cause a full statement of the affairs of the company to be made and exhibited to the stockholders at every annual election, or at any other general meeting of the stockholders.

SEC. 21. Said corporation shall not, under any pretence whatever, enter into banking business, for the purpose of issuing bills of credit, or bills of any description to pass as a circulating medium.

SEC. 22. The directors shall be liable in their individual capacity for the payment of all debts to laborers, for work done upon said road, which shall not be paid when due, by the company, in its corporate capacity; and if the directors prove insolvent, the stockholders shall be liable in their individual capacity, for the payment of all such debts.

SEC. 23. The legislature reserves the right to amend this charter at any time hereafter.

SEC. 24. This act to be in force from and after its passage.

CHAPTER CCIV.

An Act to change the mode of appointing examiners of Common School Teachers in Orange county.

[APPROVED DECEMBER 30, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the board doing county business in the county of Orange, at their March term, or at some subsequent term, to appoint one suitable person in each congressional township, who shall serve as examiner of common school teachers, in and for said county; who shall serve as such for one year and until their successors are appointed; who shall be governed in all respects by the laws now in force on that subject.

SEC. 2. All laws on that subject coming within the purview of this act, be and the same are hereby repealed, so far as the county of Orange is concerned.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCV.

An Act to legalize the acts of James Batman, a Justice of the Peace for Bono township, Lawrence county.

[APPROVED DECEMBER 22, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the acts and deeds performed and executed by James Batman, a justice of the peace for Bono township, Lawrence county, from the date of the 30th day of November, 1844, to the first day of May, 1845, is [are] declared to be in full force and virtue in law, and that full faith and credit shall be given to his acts and deeds as if he had been duly elected and commissioned according to law.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCVI.

An Act for the relief of the heirs of William Pinnick, deceased, of Orange county.

[APPROVED DECEMBER 30, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Treasurer of State be and he is hereby authorized and directed to pay to James M. Pinnick, Darthella Chany, Margaret Stockinger, Rosanna Stockinger, Thomas C. Pinnick, City Pinnick, Polly Pinnick, John Pinnick, the heirs of William Pinnick, deceased, or to their legal representative or agent the sum of twenty-five dollars, out of any money in the treasury not otherwise appropriated, which shall be received by the said heirs in full payment and satisfaction of their right, title, and interest in a certain tract of land by the said William Pinnick in his life time purchased of the State of Indiana, belonging to the saline fund, containing one hundred and twenty acres, situate in the county of Orange.

SEC. 2. Upon payment being made as provided in the first section of this act, the said Treasurer of State shall take a quit-claim deed from the said heirs for said lands to the State of Indiana.

SEC. 3. That if any of the heirs of said William Pinnick are infants under the age of twenty-one years, that they and each of them and their guardians are hereby authorized to execute and acknowledge said deed mentioned in section two, above mentioned.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CCVII.

An Act to legalize the official acts of John Nixon, School Commissioner of Washington county.

[APPROVED DECEMBER 22, 1845.]

WHEREAS, It has been represented to this General Assembly that John Nixon, school commissioner of Washington county, under a misconstruction of the law in the Revised Statutes of 1843, continued to perform the duties of school commissioner from March, 1843, till the 15th day of the next September, according to the provisions of the laws in force before the taking effect of the Revised Statutes of 1843: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the official acts and proceedings of the said John Nixon, school commissioner of Washington county, be and the same are hereby legalized and confirmed, and rendered of the same force and effect to all intents and purposes as if the Revised Statutes of 1843 had not been passed.

SEC. 2. This act to take effect and be in force from and after its passage, and it is hereby made the duty of the Secretary of State to cause a certified copy of this act to be filed in the clerk's office of Washington county.

CHAPTER CCVIII.

An Act to extend an act entitled "An act to provide for a more efficient mode of expending the road tax in the several counties therein named," approved January 15th, 1844, to the counties of Noble and Lagrange.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of the above recited act be and the same is [are] hereby extended to the counties of Noble and Lagrange.

SEC. 2. That all acts and parts of acts coming within the purview of this act or contravening any of its provisions, be and the same is hereby repealed.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCIX.

An Act to authorize the trustees of the Vincennes University to bring suit against the State of Indiana, and for other purposes.

[APPROVED JANUARY 17, 1846.]

WHEREAS, it is represented to this General Assembly that the board of trustees for the Vincennes University claim title to the seminary township of lands in Gibson county, known as township number two south, of range number eleven west, most of the lands in which township have been sold by the State, to her citizens: AND WHEREAS, it is desirable to have the right of said township of lands tested by one suit, to be brought against the State, instead of a great number of suits against the individual owners of said land, who purchased the same in good faith from the State, not doubting but that their titles were good: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of trustees for the Vincennes University, be and they are hereby authorized to file a bill in chancery, in the nature of an action of deseizin, in the Marion circuit court, against the State of Indiana, for the purpose of trying the right of the said board of trustees to said township of lands.

SEC. 2. That said Marion circuit court shall have full and complete jurisdiction to try said suit between said parties, in the same manner as if the subject matter of said suit, as well as the parties thereto, were within the jurisdiction of said court.

SEC. 3. That upon process being served on the Governor of the State, in said suit, he shall cause an appearance on behalf of the State to be entered, and employ counsel to defend the same.

SEC. 4. That if upon a final hearing of said suit, the same shall be decided in favor of said board of trustees for the Vincennes University, upon said board of trustees relinquishing to the State, for the use and benefit of the purchasers thereof, so much of said township of land as the State hath sold, then and in that case, there shall be set apart to said board of trustees, the funds arising from the sale of said township of lands, as also the amount yet due from the respective purchasers thereof.

SEC. 5. That if said board of trustees institute a suit against the State of Indiana, in pursuance of the provisions of this act, it shall be deemed and taken as an election, on the part of said board, to look to the State and said fund for compensation for their claim for said township of land, if successful.

SEC. 6. Said Marion circuit court shall have full and complete jurisdiction to try the right of said board of trustees for the Vincennes University, to said township of lands, and for that purpose, and for the purpose of entering a final decree in the premises, may consider

the State of Indiana as standing in the place of the present claimant, now in possession of said lands, by virtue of purchases from this State.

Sec. 7. The State of Indiana may either file one or more pleas, as in actions at law, as a defence to such suit, or may file an answer without oath, therein setting forth the matters of defence, as may be deemed advisable by the Governor and the counsel by him employed, so as to present the case on its merits alone.

Sec. 8. The final decision of such action, whether in favor of or against said board of trustees, shall be final and conclusive in the premises, reserving however to each of the parties to said suit, the right of appeal, as in other cases.

Sec. 9. Nothing in this act shall be so construed as to prevent the State of Indiana from contesting the present corporate existence of the trustees of said University.

Sec. 10. This act to take effect and be in full force from and after its passage.

CHAPTER CCX.

An Act to alter the width of the State road from Connersville to St. Omer.

[APPROVED DECEMBER 30, 1845.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the width of the State road leading from Connersville, in Fayette county, to St. Omer, in Decatur county, be reduced from fifty to forty feet.

Sec. 2. All persons through whose lands said road may pass, shall be and they are hereby authorized, if desirable, to take possession of the said ten feet hereby thrown off said road.

Sec. 3. Said road shall remain a State road, and be subject to be worked upon in the same manner as if this alteration in the width thereof had not been made.

Sec. 4. This act to take effect and be in force from and after its passage.

CHAPTER CCXI.

An Act to incorporate the Mount Carmel Hall of Liberty, in Franklin county.

[APPROVED JANUARY 20, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Isaac S. Larew, John Bertinshaw, and Isaac Burkholder, and their successors in office, are hereby constituted a body politic and corporate, and shall be known by the name and style of the trustees of the Mount Carmel Hall of Liberty, and by said corporate name may sue and be sued, plead and be impleaded, in any court in this State, and by that name have perpetual succession, and be capable of purchasing and selling any property, real and personal, for the use of said Hall, both by legal and equitable title, not to exceed the value of ten thousand dollars.

Sec. 2. The subscribers to said Hall shall establish such by-laws and rules for the government of the building and library as a majority may see fit: *Provided*, They are not incompatible with the constitution and laws of the State, and that no by-law shall ever be enacted that shall have for its object, the prevention of discussion in said Hall, of any subject which may be desired by any subscriber to its erection or maintenance.

Sec. 3. The legislature reserves the right to alter, amend or repeal this act; and this act shall take effect from and after its passage.

CHAPTER CCXII.

An Act for the relief of John Drummond.

[APPROVED DECEMBER 30, 1845.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the banns of matrimony heretofore and now existing between John Drummond and Parmelia Drummond, his wife, be and the same is hereby declared null and void as though the same had never been entered into by said parties.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CCXIII.

An Act to amend an act entitled "An act incorporating the Michigan Road Company," approved January 13th, 1845.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act incorporating the Michigan Road Company be amended so as to insert the names of A. J. Field and John M. Ferrell, of the county of Cass, in section first of said act, immediately succeeding the name of Cyrus Vigus.

SEC. 2. That the third section of said act be amended by striking out four and inserting the word two, in the first line of said section, and that the seventh section be amended by inserting the words "real estate" before the word "labor," in the first line of said section.

SEC. 3. Should the persons named in the act to which this is an amendment, neglect, by the first day of July next, to proceed to open books for the subscription of stock, then and in that case, the commissioners appointed, in the counties of Cass and Carroll, or a majority of them, may proceed to open said books and secure subscription of stock, and perform all the duties of said board of commissioners.

SEC. 4. That the provisions of section twenty-fifth, be and the same are hereby repealed; and the said corporation shall cause said road to be opened, not exceeding one hundred feet wide, at least twenty feet of which shall be an artificial road, composed of stone, gravel, timber, plank, or other suitable materials, well constructed, in such a manner as to secure a firm and even road, rising in the middle, with a gradual curve; and whenever any part of said road shall be constructed of timber and plank, it shall not be less than sixteen feet wide; and the corporation shall maintain and keep the same in good repair; and in no case shall the ascent in the road be greater than an elevation of five degrees: if said road, after the completion thereof, shall be suffered to go to decay or be impassable for one year, unless when the same is repairing, this charter shall be [taken] as forfeited.

SEC. 5. If the directors shall contract debts for labor, which shall not be paid by the company, when due, they shall be liable in their individual capacity for the payment of all such debts.

SEC. 6. The legislature reserves the right to alter or repeal this act whenever any of its provisions are violated.

SEC. 7. This act to take effect and be in force from and after its passage.

CHAPTER CCXIV.

An Act for the relief of Victor Belen and Lambert Holder.

[APPROVED DECEMBER 22, 1845.]

WHEREAS, Victor Belen and Lambert Holder are respectively owners of lands in Knox county, in this State; the former of one hundred acres, in the Lower Prairie and at the hills adjoining Catharinett's Prairie, the tract on which his mill and dwelling are situate; the latter of fifty acres, in said Catharinett's Prairie, purchased from John Mary Gourd, by deed, dated January 25, 1844, and recorded in the recorder's book N., of said county, pp. 63 and 64: AND WHEREAS, said Victor and said Lambert are respectively desirous of selling their said lands, but owing to the various laws of the said State, now and formerly controlling the sales of land by aliens, they are unable to effect such sale: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That said Victor and Lambert, be and are hereby respectively authorized to hold and convey their said lands, free of all rights of the State of Indiana, down to the present time, growing out of the laws of escheat.

CHAPTER CCXV.

An Act to locate a State Road in Tippecanoe county.

[APPROVED DECEMBER 30, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Dawley, Adam Shambaugh and Richard B. Godman, be and they are hereby constituted and appointed commissioners to view, locate and mark a State road as follows: beginning at the east line of the north-east quarter of section thirty-five, township twenty-four, range six, where the road crosses said line, thence running north, to the north-east corner of section thirty-five, township twenty-four, range six, thence west, on the county road leading from Burnett's creek to the county line, to the present location of the State road.

SEC 2. The said commissioners shall meet at the house of Elnathan Coary, Esq., on the first Monday in March, 1846, or any subsequent day thereafter that they may agree upon, and proceed to take an oath, before some person authorized to administer the same, for

the faithful discharge of their duties as commissioners to view, mark and locate said road, as aforesaid; and should either of said commissioners fail to attend at the time and place so appointed, a majority, or any two of them, shall proceed to lay out said road, as if all the commissioners were present.

SEC. 3. The said commissioners shall, within twenty days after the location of said road, file a report of the same in the auditor's office, in said county of Tippecanoe, and the said auditor shall lay the same before the board doing county business, at the first term thereafter; and it shall be the duty of said board to order said road to be opened any width not exceeding forty feet, and made agreeably to and under the provisions of an act for opening and repairing roads and highways.

SEC. 4. That the board doing county business in Tippecanoe county, shall make such allowance to said commissioners for their services, as they shall deem just and reasonable.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER CCXVI.

An Act to dissolve the bonds of matrimony between John G. Keller and Elizabeth Keller.

[APPROVED DECEMBER 30, 1845.]

WHEREAS, John G. Keller and Elizabeth Keller were married, in the State of Ohio, in the year 1823: AND WHEREAS, the said John G. Keller removed to the State of Indiana in the year 1834, his wife, the aforesaid Elizabeth, refused to accompany him: AND WHEREAS, since the removal of the said John G. Keller to this State, the said Elizabeth Keller has intermarried with another man, as this General Assembly is informed: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bonds of matrimony existing between the said John G. Keller and Elizabeth Keller, are hereby dissolved and made null and void.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXVII.

An Act for the benefit of the inhabitants of township one north, of range ten west.

[APPROVED JANUARY 19, 1846.]

WHEREAS, It is represented to this General Assembly that the inhabitants of said township labor under great inconvenience in consequence of White river running nearly through the centre thereof, leaving about an equal number of the inhabitants of said township in the counties of Gibson and Knox: AND WHEREAS, It is represented that the inhabitants of said township are desirous of having the sixteenth section in said township sold, and the proceeds of such sale equitably divided, and the amount, the inhabitants residing south of White river may be entitled to, deposited with the school commissioner of Gibson county, to be appropriated for their use and benefit, according to the laws now in force on that subject: Wherefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever a majority of the qualified voters of said township shall manifest a desire to have said sixteenth section sold, it shall be the duty of the school commissioner of said county of Knox, within twenty days after such determination shall be made known to him, to expose said sixteenth section to public sale according to the laws now in force on that subject; and after such sale has been made, to divide the proceeds thereof, and pay over to the school commissioner of Gibson county, for the use of the inhabitants of said township south of White river, the amount their numbers shall entitle them to, according to the true intent and meaning of the laws now in force.

CHAPTER CCXVIII.

An Act declaring a certain county road a State road in Clay county.

[APPROVED DECEMBER 19, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county road running from Middleberry in Clay county to the feeder dam in said county is hereby declared a State road.

SEC. 2. And it is hereby made the duty of the supervisors in the several districts on said road to take charge of the same, and proceed to open said road the width as is provided for by the general law of this State, and work and keep the same in repair with the same means as other roads in this State.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCXIX.

An Act to vacate part of the addition to the town of Plymouth in Marshall county.

[APPROVED DECEMBER 30, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all lots, streets, and alleys in the addition to the town of Plymouth, in Marshall county, Indiana, which lie east of Water street and between said street and Yellow river; said lots being numbered from one hundred and eighty-three to one hundred and ninety-eight on the recorded plat; and also, all lots, streets, and alleys in said addition to said town which lie east of Yellow river; said last named lots being numbered from one hundred and ninety-nine to two hundred and fifty-nine inclusive, be and the same are hereby vacated.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCXX.

An Act for the relief of Peter Everhart and Hezekiah Mitchell, purchasers of school lands in the county of Scott.

[APPROVED DECEMBER 19, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for Peter Everhart and Hezekiah Mitchell, owners of school land in said county, to relinquish to the school commissioner of said county any part of said land, and apply the amount of purchase money heretofore paid on the remainder of such land as is not relinquished under the following restrictions.

SEC. 2. Before it shall be lawful for such purchasers to relinquish or surrender any part of said land by either of them purchased as

aforesaid, it shall be his or their duty to notify the school commissioner of said county of his intention so to do; whereupon said school commissioner shall forthwith notify, in writing, the township trustees in which said lands may be situated, to forthwith examine said lands. And, if said trustees shall be of opinion that it will not be detrimental to the interest of the school fund of said township, it shall and may be lawful for such purchasers to release said land, or any part thereof to said commissioner, who shall cancel the contract with said purchaser, as to said land, or so much thereof as may be by him released according to the tenor and opinion of said trustees. And it shall be the duty of the school commissioner to apply all the purchase money by him paid on said original contract, to the land by him retained as aforesaid.

SEC. 3. All lands returned to the school commissioner under the provisions of this act, shall be subjected to sale and governed in all respects as other unsold school lands are.

SEC. 4. The trustees of any township who may be called upon under the provisions of this act, to appraise any such land, shall be entitled to the sum of seventy-five cents for each day, to be paid by the person applying for said appraisement.

SEC. 5. This act to be in force and take effect from and after its passage.

CHAPTER CCXXI.

An Act to incorporate the Evansville Medical Society, and to authorize said Medical Society to organize and establish a Medical College.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That William Trafton, Daniel S. Lane, George B. Walker, Madison J. Bray, Daniel Morgan, Francis Muhlhausen, William Hamilton Stockwell, Charles S. Weever, John R. Wilcox, Perceval E. Garrick, Isaac Casselberry, John T. Walker, B. V. Teel, and Essex P. Spurrier and their associates and successors be, and they are hereby constituted a body corporate and politic, and shall be known by the name and style of "The Evansville Medical Society," and by that name shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity, or before any justice of the peace, and may have and use a common seal, with power to alter or renew the same at pleasure; and may ordain and establish such by-laws, (not inconsistent with the constitution or laws of the United States or of this State,) as may be necessary to carry into effect the object of this

charter: and may do and perform generally all such acts as usually pertain to associations formed for the promotion of scientific and professional improvement.

SEC. 2. The said society may, in its corporate capacity, purchase or receive by gift, grant, or donation, such books, maps, charts, philosophical and scientific apparatus, and such other personal property as may be necessary and proper, and hold, use, and dispose of the same at pleasure, for the benefit of said society; and may also take, purchase, or receive by gift, grant, donation, devise or conveyance, any real estate, and hold and enjoy, sell, convey, rent or hire the same at pleasure, for the benefit of said society: *Provided*, That said society shall not at any time hold real estate to such an amount that the annual income thereof shall exceed three thousand dollars.

SEC. 3. That whenever a majority of the members of said society shall deem it expedient, for the advance of medical science, to establish in said town of Evansville or its vicinity a school of medicine and surgery, they shall proceed to elect a board of ten trustees, one half from their own body, and the other half from resident citizens of Vanderburgh county, not members of their body.

SEC. 4. The trustees so elected shall be a body corporate and politic, and shall be known by the name and style of "The Board of Trustees of the Medical College of Evansville," and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, and may have and use a common seal, and may alter or renew the same at pleasure, and make and adopt all such by-laws, (not inconsistent with the constitutions and laws of this State or the United States,) and exercise and perform all the functions and privileges necessary for the establishment and government of a medical school, and may also grant diplomas and confer degrees in medicine.

SEC. 5. The said trustees shall hold their offices for the term of four years from and after their election, and until their successors are elected; and shall, during said term, have power to fill vacancies in their own body. They may elect a secretary, treasurer, librarian, and such other officers as may be deemed requisite, and may require of them bond and security for the faithful discharge of their duties. They may also create and establish such professorships as may seem desirable, and abolish, change, or renew the same at pleasure; and remove all officers or agents of said school whenever the interests of the institution shall in their opinion require it.

SEC. 6. At the expiration of four years for which said board of trustees shall have been elected, the medical school aforesaid shall proceed to elect another board of trustees, and in doing so shall be governed by the provisions of the third section of this act.

SEC. 7. Said board of trustees may take and hold such real estate as may be necessary for the purposes of said medical college, and also to purchase, or receive by gift or otherwise, all books, maps, charts, preparations, instruments, and apparatus which the wants of said school may require: *Provided*, That the income of said college,

exclusive of the fees of the professors, shall not exceed ten thousand dollars per annum.

SEC. 8. That when the members of said medical society shall elect a board of trustees, pursuant to the third section of this act, the secretary of said society shall make out and certify a statement of said election; which certified statement shall, within one month after such election be recorded in the recorder's office of Vanderburgh county, and the record thereof and certified copies of such record shall be *prima facie* evidence in all courts of the facts therein set forth.

SEC. 9. This act may be altered, amended, or repealed, at the pleasure of the General Assembly, but no such repeal shall divest either of the corporations created by this act, of any property held by the same at the time of such repeal; but on the dissolution of either of said corporations, all property held by the same, which was received by donation or devise, shall revert to the donor or devisor, or to his or their heirs; and all property required by purchase, shall be disposed of in such manner as a majority of the members of the corporation owning the same shall direct for the benefit of such members.

SEC. 10. This act shall be deemed and taken to be a public act, and shall be in force from and after its passage.

CHAPTER CCXXII.

An Act changing the venue, in the case of the State of Indiana against Silas Doty, from the county of Allen, in the twelfth judicial circuit of Indiana, to Elkhart county, in the ninth judicial circuit of said State.

[APPROVED DECEMBER 31, 1845.]

WHEREAS, Silas Doty, of Steuben county, Indiana, now stands indicted for the murder of one Lorenzo G. Noyes, and said indictment is now pending in the Allen circuit court against him: AND WHEREAS ALSO, the said Doty has, by his affidavit and petition, prayed a change of venue from the county and circuit in which the same is now pending, owing to the prejudice of the president judge of the said twelfth judicial circuit, to some other county, in another circuit of said State: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the venue in the above case of the State against Silas Doty is hereby changed from the county of Allen, in the twelfth judicial circuit of Indiana, to Elkhart county, in the ninth judicial circuit of said State.

SEC. 2. *Be it further enacted*, That it shall hereby be the duty of the sheriff or other officer of Allen county, in whose custody the said defendant or petitioner now is, as also that of the sheriff of the county to which the venue by this act is allowed, to be governed in all respects as they now are in like cases of venue, granted by the court and provided for by the ninety-third section of the fifty-fourth chapter of the Revised Statutes of this State, regulating change of venues.

SEC. 3. *Be it also further enacted*, That it shall be the bounden duty of the court to which the venue is granted by this act, to take cognizance of said cause, and to proceed therein to trial, judgment and execution, in all respects as if the indictment herein had been found and returned by a grand jury impanneled in such court.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CCXXIII.

An Act to change the mode of districting hands to perform labor on public roads, in Orange county.

[APPROVED DECEMBER 30, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board doing county business in the county of Orange, be and they are hereby required, at their March term, or at some subsequent term thereafter, to assign to the supervisors of public roads and highways in said county, a list of the names of persons subject to perform work on the same, and cause the same to be given to such supervisors.

SEC. 2. *Provided*, That in the selection and assignment of said hands the board doing couuty business shall do the same, by compelling the hands to perform labor on the public road or highway nearest their residence, without respect to congressional township.

SEC. 3. In all other respects, said board and such supervisors shall be governed by the laws now in force, relative to opening and keeping in repair public roads and highways.

SEC. 4. All laws coming within the purview of this act, so far as the county of Orange is concerned, be and the same is [are] hereby repealed.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER CCXXIV.

An Act to change the names of Edward C. Hawkins and Edward Musseth.

[APPROVED DECEMBER 30, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of Edward C. Hawkins, the adopted son of David F. Haight, of the county of St. Joseph, be and the same is hereby changed to and shall hereafter be James Haight; and by said last mentioned name, he shall hereafter be known, and be entitled to all the privileges he would be without the passage of this act.

SEC. 2. *And be it further enacted*, That the name of Edward Musseth, be and the same is hereby changed to Edward Bates.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCXXV.

An Act in relation to retailing intoxicating liquors, in Floyd county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter it shall not be lawful for the board doing county business in said county of Floyd, to grant any license in any township, in said county, to any person or persons, to retail intoxicating liquors, if a majority of the qualified voters of such township shall decide against granting such license.

SEC. 2. That for the purpose of ascertaining the wishes of the voters aforesaid, relative to granting license in the various townships, in said county, it shall be lawful for the said voters at their respective township elections, in April, 1846, and at such April election thereafter, to vote, by ballot, for or against granting such license, in the township where such voters reside.

SEC. 3. That for the purpose of taking the vote upon the question aforesaid, each and every voter, at said election, may endorse, by writing or printing upon the back of his ballot or ticket, given at such election, if in favor of license being granted in the township in which he resides, the word "*license*," and if the said voter is opposed to license being granted as aforesaid, he may endorse upon his ballot the words "*no license*."

SEC. 4. And the judges and inspectors of said election shall count the votes so taken in their respective townships, and certify the same

to the auditor of said county, who shall lay the same before the board doing county business, at its next session after said election, and if by the returns so transmitted and certified to the auditor, it shall appear that a majority of all the votes given in any township are against license being granted in that township, the said board are and shall be prohibited from granting any license in said township, to retail intoxicating liquors; but if in any township, in said county, a majority of all the votes given are not against granting license in that township, it shall and may be lawful for said board to grant license to any and all persons who may desire the same, under the same rules and regulations, and according to the laws now in force on that subject.

SEC. 5. This act to be in force from and after its passage.

CHAPTER CCXXVI.

An Act for the relief of the widow and children of Jesse Clinger, deceased.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the General Superintendent of the Wabash and Erie Canal to appoint suitable persons, in pursuance of the Statute in such cases made and provided, to assess the damage done by the construction of the St. Joseph feeder dam, on the Wabash and Erie Canal, to the farm and land situated on said canal, in Allen county, between the sections of De Rome, and Ann Hackley, of which Jesse Clinger, late of Allen county, deceased, died seized.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CCXXVII.

An Act to re-locate a part of the State Road from Williamsport to Newtown.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Stephen Schoonover and Ebenezer F. Lucas, of the county of Warren, and John M. Hall, of the county of Fountain, be and they are hereby appointed commissioners for the purposes here-

inafter named: the said commissioners, after being duly qualified, shall, as soon as practicable, after the taking effect of this act, proceed to view, mark and locate a new route for so much of the State road leading from Williamsport, in Warren county, to Newtown, in Fountain county, as lies between the bridge over the canal, opposite the the town of Williamsport, and the State road from Newtown to Attica, intersecting the last mentioned road at the end of Stafford's lane, at the foot of Stafford's hill, a distance of one or one and a half miles from the said bridge, or as near thereto as the ground and the public convenience will warrant; the said road to be not less than forty nor more than sixty feet wide: the said commissioners may take with them the necessary hands, and shall, within thirty days after viewing and marking the same, file a report and description thereof, in the auditor's office of the county of Fountain, who shall record the same in the record book of the board doing county business, immediately thereafter.

SEC. 2. After such report shall be made and filed by the said commissioners, it shall be lawful for any person or persons interested therein, to clear out and open said road, according to the said report, and it shall be the duty of the county commissioners, of the county of Fountain, to cause the same to be established and kept in repair, as other State roads are.

SEC. 3. The said commissioners shall be allowed one dollar and fifty cents per day for their services, besides necessary expenses for hands, to be paid out of the county treasury of Fountain county, and should any commissioner hereby appointed, die, remove or refuse to act, it shall be lawful for the remaining commissioners to fill said vacancy.

SEC. 4. This act to take effect from and after its publication.

CHAPTER CCXXVIII.

An Act to dissolve the bonds of matrimony existing between Nancy Casto and Jonathan Casto.

[APPROVED DECEMBER 30, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bonds of matrimony existing between Nancy Casto and Jonathan Casto, be and the same is [are] hereby dissolved.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCXXIX.

An Act for the relief of David Stoner, Lewis Ireland, James H. Andrews, Joseph Long and others.

[APPROVED JANUARY 19, 1846.]

WHEREAS, George Belshaw, an alien, did heretofore convey by deeds in fee simple, the following described real estate, situate in the county of Laporte, to-wit: The east half of the south-east quarter of section thirteen, (13), in township thirty-seven (37) north; of range two (2) west. And the south-west quarter of the north-west quarter of section seventeen, (17), in township thirty-seven (37) north; of range one (1) west, to David Stoner. And also, the east half of the south-west quarter of section thirteen, (13), in township thirty-seven (37) north; of range two (2) west. And the south-quarter of the south-east quarter of section seventeen, (17), in township thirty-seven (37) north; of range one (1) west, to Lewis Ireland. And also, the north half of the west half of the south-west quarter of section thirteen, (13), in township thirty-seven (37) north; of range two (2) west, to James H. Andrews. And also, the south half of the west half of the south-west quarter of section thirteen, (13), in township thirty-seven (37) north; of range two (2) west, to William Belshaw, who was also an alien:

AND, WHEREAS, the said William Belshaw did afterwards convey by deed in fee simple, the land so conveyed to him, to Joseph Long. Which said several conveyances were each made for a valuable consideration and in good faith. Now, therefore, to confirm the title so intended to be conveyed, and to make the same as good and valid as if the said George and William Belshaw had been citizens of the United States;

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said several conveyances, and all others made by the said George or William, are hereby ratified and confirmed, and the disability of alienage of the said George and William Belshaw, is hereby removed, so far as the same may or can affect the conveyances aforesaid, or any others made by them.

SEC. 2. The State of Indiana doth hereby release, convey, and confirm unto the said several vendees, their heirs and assigns, all the interest which she has or may have in the above mentioned land, by escheat.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCXXX.

An Act authorizing the President and Trustees of the town of Lafayette, in the County of Tippecanoe and State of Indiana, to purchase and hold Real Estate, and for other purposes.

[APPROVED JANUARY 6, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the president and trustees of the town of Lafayette, in the county of Tippecanoe, to purchase and hold by deed in fee simple or by title, bond, or otherwise, real estate situated within the corporate bounds of said town, to the amount and value of ten thousand dollars.

SEC. 2. For taxable purposes, the corporate bounds of said town are hereby so altered as to be embraced and included within the following boundary lines, viz: Commencing on the west bank of the Wabash river, at a point due west from the line dividing the north from the south fractions of the north-east quarter of section number twenty, (20), of town twenty-three, (23), north of range four (4) west; thence east, until it strikes said last mentioned line; thence east with said line, to the east line of section number twenty aforesaid; thence south with the said section line, to the half mile stake or corner; thence east with the half mile line, thirty-nine poles and forty-three hundredths of a pole, to the east line of the addition to the town of Lafayette by Taylor Hanna and others; thence south with the east line of said additions, to the north line of section number twenty-eight, (28); thence west to the north-west corner of section number twenty-eight aforesaid; thence south with the west line of said section twenty-eight, one half mile, or to the half mile stake or corner; thence west with said half section line, to the west bank of the Wabash river; thence along the west bank of said river to the place of beginning. And also to include all such town lots as may be at this time or hereafter platted or recorded as parts or additions to the town of Lafayette.

SEC. 3. The organization of the president and trustees of the town of Lafayette, under the first article of the twenty-fifth chapter of the revised statutes of 1843, for the incorporation of towns and the amendment thereto, entitled, "an act to provide for the incorporation of the town of Lafayette, Tippecanoe connty," approved January 13, 1845, is hereby declared to be formal and legal in all respects, and to all intents and purposes whatsoever.

SEC. 4. Whenever any suit shall be instituted by the president and trustees of the town of Lafayette or their successors in office, said president and trustees, or their successors in office, shall not be compelled to produce on such trial, any other or further evidence of the formality and legality of their organization, than the certified copy under the hand and seal of office of the auditor of Tippecanoe

county, of the record of the board of commissioners of said county, made on the seventeenth day of February, 1845, upon the presentation and filing of the petition of the inhabitants and qualified voters of said town of Lafayette, praying for the incorporation of said town, under the provisions of the first article of the twenty-fifth chapter of the revised statutes of 1843, for the incorporation of towns: and said copy of said record so certified, shall of itself be deemed and taken as full, complete, conclusive, and absolute evidence of the legal organization of said president and trustees, and of their successors in office in all of the courts of law and equity of this State.

SEC. 5. In case any person or persons shall hereafter violate the provisions of any ordinance of said town, in force, or any section thereof, wherein it is declared for such violation the person or persons violating the same, "shall be fined;" it is and shall be lawful for such corporate authorities to cause to be issued by any justice of the peace residing in said town of Lafayette, against such offender, a warrant for his, her, or their arrest and apprehension, upon an affidavit being previously made and sworn to, setting forth such violation of such ordinance, or some section thereof, before any justice of the peace in said town, who shall hear and determine upon the complaint; and in case such person so arrested and apprehended shall be found guilty by such justice of the peace, such justice shall assess against such offender such fine as is declared in such ordinance, not exceeding three dollars: and in default of such offender in paying or entering good replevin bail to stay such fine so assessed, such justice of the peace shall proceed and make an order directing the marshal of said town, or some constable of Fairfield township, in said county of Tippecanoe, to commit such offender so fined, to the jail of the county of Tippecanoe, there to remain until such fine and costs are paid or replevied, or such offender so fined shall be otherwise discharged from imprisonment according to law.

SEC. 6. It shall be lawful for such president and trustees of said town, or their successors in office, at any time hereafter, to establish a free school within the corporate bounds of said town, and employ a teacher or teachers therefor, for the establishment and maintaining said free school; all moneys that may be received by said president and trustees, for the granting of licenses to retail spirituous liquors in said town, shall be applied to the extent, and as in the discretion of said president and trustees may be for the good of said town; said president and trustees having the sole and exclusive direction and control as to the mode of establishing and carrying on said school: and the right of establishing such rules and regulations for the conducting and admission of scholars to the same, as they in their judgment may deem proper.

SEC. 7. All fines that may hereafter be assessed and collected under the provisions of the fifth section of this act, shall enure to the benefit of, and belong exclusively to the president and trustees of said town in their corporate capacity.

SEC. 8. This act shall be deemed and taken to be amendatory

to article first of the revised statutes of 1843, for the incorporation of towns, and the amendment thereto, entitled, "an act to provide for the incorporation of the town of Lafayette, Tippecanoe county," approved January 13th, 1845, and such parts and portions of said revised statutes, and amendatory act as comes in conflict with the provisions of this act, so far as relates to the town of Lafayette, are hereby repealed.

SEC. 9. This act to be in force from and after its passage: and the secretary of State is hereby ordered to transmit a certified copy of this act to the auditor of Tippecanoe county.

CHAPTER CCXXXI.

An Act to incorporate the White River Navigation Company.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Samuel F. Irwin, John Vestal, Amherst Kerns, Joseph Rawlings, George G. Dunn, Pleasant M. Parks, Alexander H. Dunihue, William Duncan, James Montgomery, Lewis Rout, David Borland and Alonzo Wilcox, of the county of Lawrence, and Aaron Houton, Thomas J. Brooks and Thomas N. Gibson, of the county of Martin, and Samuel Brown and Daniel Harris, of the county of Dubois, Franklin F. Sawyer and William Hawther, of the county of Pike, James Williams and Lewis Reel, of the county of Konx, Elisha Hyatt and Thomas Graham, of the county of Daviess, and Allison Wilcox and James Hamersly, of the county of Washington, and William Peck, of the county of Jackson, James Thompson and J. C. Crump, of the county of Bartholomew, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the White River Slackwater Navigation Company, hereby incorporated: and they, or a majority of them, may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, after having given such notice of the times and places of opening the same, as they may deem proper; and that after the first opening of said books they shall be kept open for at least one hundred and twenty successive days, from ten o'clock, A. M., until two o'clock, P. M.; and if at the expiration of that period, such a subscription to the capital stock of said company as is necessary to its incorporation, shall not have been obtained, the said commissioners, or a majority of them, may cause the said books to be opened, from time to time, after the expiration of said thirty [one hundred and twenty] days, for the space of twelve months

thereafter, or until the sum necessary to the corporation of said company shall be subscribed; and if sooner subscribed, and if any of the commissioners shall die, resign or refuse to act, another may be appointed in his stead by the remaining commissioners, or a majority of them.

SEC. 2. That the capital stock of the said White river slackwater navigation company, shall be five hundred thousand dollars, in shares of twenty-five dollars each, which may be subscribed for by any individual or corporation, and as soon as twenty-five hundred shares of the said capital stock shall be subscribed, the subscribers of the said stock, their successors and assigns, shall be and they are hereby declared to be incorporated into a company by the name of "the White River Slackwater Navigation Company," and by that name shall be capable in law of purchasing, holding, selling, leasing and owning real estate, and shall have perpetual succession, and by said corporate name may sue and be sued, and may have and use a common seal, which they shall have the right, power and privileges which other corporate bodies may lawfully do, for the purposes mentioned in this act.

SEC. 3. That if more than twenty thousand shares shall be subscribed to the capital stock of said company, the said commissioners, or a majority of them, shall reduce by striking off from the largest number of shares, in succession, until the subscriptions are reduced to twenty thousand shares.

SEC. 4. That at every such subscription there shall be paid at the time of subscribing to the said commissioners, or their agents appointed to receive such subscriptions, either in money or in a note, payable at sixty days' date thereof, or longer, at the option of said commissioners or their agent, the sum of fifty cents on every share subscribed, and the residue shall be paid in such instalments and at such times as may be required by the president and directors of said company: *Provided*, No payment shall be demanded until at least thirty days' public notice of such demand shall have been given by the said president and directors, nor shall more than six per cent. of each share of stock be called for in any one year; but if the exigencies of the company should require the payment on the stock to be made more rapidly than is provided for herein, or should the president and directors, or a majority of the whole number elected, consider it expedient, for the purpose of aiding the stockholders or hastening the completion of the contemplated slackwater navigation, it shall be lawful for them to borrow, on the credit of said company, a sum of money, not exceeding one hundred thousand dollars; and if any subscriber shall fail or neglect to pay any instalment or part of said subscription demanded, according to the provisions of this section, for the space of sixty days next after the time the same shall be due and payable, the stock on which it is demanded shall be forfeited to the company, and may be sold by the said president and directors for the benefit of the company; but the president and directors, by a majority of their whole board, may remit any such forfeiture, on such terms as they shall deem proper.

SEC. 5. That if the subscription herein made necessary to the corporation of said company, shall not be obtained within the term of five years after the first opening of the subscription books by the commissioners, this act, and all the subscriptions made under it, shall be null and void; and the said commissioners, after discharging the expenses of opening the books, shall return the residue of the money paid in upon such subscriptions to the several subscribers, in proportion to the sums respectively paid in by them.

SEC. 6. That at the expiration of the thirty [one hundred and twenty] days, for which the books are first opened, if twenty-five hundred shares of the capital stock shall have been subscribed, or if not, as soon thereafter as the same may be subscribed, if within five years from the first opening of the books, the said commissioners, or a majority of them, shall call a general meeting of the subscribers, at such time and place as they may appoint, and shall give at least twenty days' public notice thereof, and at such meeting the said commissioners shall lay the subscription books before the subscribers then and there present, and thereupon the said subscribers, or a majority of them, then present, shall, from the stockholders, elect twelve directors, by ballot, to manage the affairs of said company; and those twelve directors, or a majority of them, shall have the power of electing a president of said company, either from among the directors or any other stockholders, and of allowing him such compensation for his services as they may deem proper; and that in said election, and on all other occasions where a vote of the stockholders is to be taken, each stockholder shall be allowed one vote for every share owned by it, him or her, and every stockholder may depute, in writing, any other person to vote and act for it, him or her, as its, his or her proxy; and the commissioners aforesaid, or any three or more of them, shall be judges of the said first election of directors.

SEC. 7. That to continue the succession of the president and directors of said company, twelve directors shall be chosen annually, on the third Monday in May in every year, in the town of Bedford, stockholders of said company, and that the directors of said company, or a majority of them, shall have power to appoint judges of all elections, and to elect a president of said company, either from amongst the directors or any other stockholders, and to allow him such compensation for his services as they may deem proper; and if any vacancy shall occur, by death, or resignation, or refusal to act, of any president or director, before the year for which he was elected has expired, a person to fill such vacant place during the residue of the year may be appointed by the president and directors of said company, or a majority of them, and that the president and directors of said company shall hold and exercise their office until a new election of president and directors, and that all elections which are by this act, or the by-laws of said company, to be made on a particular day or at a particular time, if not made on such day or time, may be made at any time within thirty days thereafter.

SEC. 8. That a general meeting of the stockholders of said company may be called at any time during the interval between the annual meetings, by the president and directors, or a majority of them, or by the stockholders owning at least one-fourth of the whole stock subscribed, upon giving thirty days' public notice of the time of holding the same, and when any such meetings are called by the stockholders, such notice shall specify the particular object of the call; and if at any such called meeting, a majority (in value) of the stockholders of said company are not present, in person or by proxy, such meeting shall be adjourned from day to day, without transacting any business, for any time not exceeding three days; and if within said three days stockholders having a majority of the stock do not thus attend, such meeting shall be dissolved.

SEC. 9. That at the regular annual meetings of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the company; that any called meeting of the stockholders, a majority (in value) of the whole stock subscribed being present, or a majority (in value) of the attending stockholders, may require similar statements from the president and directors, whose duty it shall be to furnish them, when thus required; and that at all general meetings of the stockholders, a majority (in value) of all the stockholders in said company may remove from office the president or any of the directors of said company, and fill up vacancies thus created in the same way and to the same extent that they could do at their stated annual meetings.

SEC. 10. That every president and director of said company, before he acts as such, shall swear or affirm, as the case may be, that he will well and truly discharge the duties of his said office, to the best of his skill and judgment.

SEC. 11. That if any of the stock, created by virtue of this act, shall remain unsubscribed until after the election of the president and directors, as provided for in the sixth section of this act, the said president and directors, or a majority of them, shall have power to open books and receive subscriptions to any of the capital stock of said company which may remain unsubscribed for, or to sell or to dispose of such unsubscribed for stock, for the benefit of the company, for any sum not under its par value; and the purchasers or subscribers of such stock shall have all the rights, power and privileges of original subscribers, and shall be subject to the same regulations.

SEC. 12. That the said president and directors, or a majority of them, may appoint all such officers, engineers, agents or servants whatever, as they may deem necessary for the transaction of the business of the company, and may remove any of them at pleasure; that they, or a majority of them, shall have power to determine, by contract, the compensation of all the engineers, officers, agents, servants, or others in the employ of said company, and to regulate by their by-laws the manner of adjusting and settling all accounts against the

company; that they, or a majority of them, shall have power to erect buildings, for the safe-keeping of articles entrusted with them for transportation; that they, or a majority of them, shall have power to direct the manner and by what evidence stock in said company may be transferred, and to pass all by-laws which they may deem necessary or proper for exercising all the powers vested in the company hereby incorporated, and for carrying the object of this act into effect: *Provided only*, That such by-laws shall not be contrary to the laws of the United States or the laws of this State.

SEC. 13. That if the capital stock of said company shall be deemed insufficient for the purpose of this act, it shall and may be lawful for the president and directors of said company, or a majority of them, from time to time to increase the capital stock, by the addition of as many shares as they may deem necessary, not exceeding in amount five hundred thousand dollars, for which they may, at their option, cause subscriptions to be received, giving notice in the manner hereinbefore prescribed, or may sell the same for the benefit of the company, for any sum not under par value.

SEC. 14. That the president and directors of said company shall be and they are hereby invested with all the rights and powers necessary (that the said White river slackwater navigation company)* for the carrying into effect the intentions and purposes of said corporation, [and] shall have the power to lock and dam the east branch of White river, and the main river from its junction with the Wabash river, to Columbus, in Bartholomew county.

SEC. 15. That all flat-bottom boats, such as are now in use on said river, shall pass through any or all of the locks said company may construct on said river, free of lockage or any other charge whatever, whenever the water in said river shall be of that stage that said boats could have passed over the natural obstructions in said river, before the improvements contemplated by said company were made.

SEC. 16. That the president and directors of said company, or a majority of them, or any person or persons authorized by a majority of them, may agree with the owner or owners of any land, earth, timber, gravel or stone, or other materials, or any improvements which may be wanted for the construction or repair of any of the locks and dams, or any of their works, for the purchase or use and occupation of the same; and if the owner of any of the lands or materials wanted, if objected to, application may be made to any justice of the peace, of such county, who shall thereupon issue his warrant, under hand and seal, directed to the sheriff of said county, requiring him to summon a jury of twenty inhabitants of said county, not related or in any wise interested, to meet on the land or near to the other property or materials to be valued, on a day named in said warrant, not less than ten nor more than twenty days after the issuing of the same, and if at said time and place any of said jurors summoned do not at-

* The clause in parentheses should undoubtedly be erased.

tend, the said sheriff shall summon, immediately, as many jurors as may be necessary, with the jurors in attendance, to furnish a pannel of twenty jurors in attendance, and from them each party, or its, his or her or their agent, if either be not present in person, or by agent, the sheriff, for him, her or it, may strike off four jurors, and the remaining shall act as the jury of inquest of damages; and before they act as such, the said sheriff shall administer to each of them an oath or affirmation, as the case may be, that they will justly and impartially value the damages which the owner or owners shall sustain, by the use or occupation of the same, required by the company: and the jury in estimating such damages, shall take into the estimate the benefits resulting to the said owner or owners, by making such artificial improvements along side of the property of said owner or owners, but only in extinguishment of the claim for damages; and the jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall then be returned by said sheriff to the clerk of the county, and by such clerk filed in his office, and shall be confirmed by the circuit court, at its next session, if not sufficient cause to the contrary be shown, and when confirmed shall be recorded by said clerk, at the expense of said company; but if set aside, the said court may direct another inquisiton, to be taken in the same manner above prescribed; and such inquisition shall describe the property taken or the bounds of the land condemned, and the quantity or duration of the interest in the same, valued for the company; and such valuation, when paid or tendered to the owner or owners of said property, or his, her or their legal representatives, shall entitle the said company to the estate and interest in the same, thus valued, as fully as if it had been conveyed by the owner or owners of the same; and the valuation, if not received when tendered, may at any time thereafter be received from the company, without cost, by the said owner or owners, his, her or their legal representative or representatives.

Sec. 17. That the said president and directors shall have power and authority to purchase, with the funds of said company, all boats or water craft of any kind whatsoever, which they may deem necessary or proper for the purpose of transportation on said slackwater navigation; and that they shall have power to charge for tolls and transportation of persons, on goods, produce, merchandize, or property of any kind whatever, transported by them on said water craft, as shall be for the interest of said company, and to open the locks for the use of all craft or crafts, of whatever kind, that may belong to any other person or persons, not belonging to such company in any way whatever, for the purpose of transporting persons and commodities of any description: but the president and directors shall have full power to charge the owner or owners of such vessels, passing through any of said locks, toll on the same, as the company may deem right and proper: *Provided*, That the rates established, from time to time, shall be posted up in some conspicuous places thereof, on the route of said river, or in some two or more public newspapers; and the said river, or so much as may be locked and dammed, with all its

works, profits and improvements, and all machinery used on said slackwater navigation for transportation, belonging to said company, are vested in said company, incorporated in this act, and their successors; and the shares of the capital stock of said company, shall be deemed and considered personal property, reserving however to the State the right of transporting, at any time, troops, provisions, implements and munitions of war, free of toll.

Sec. 18. That the said president and directors shall annually, or semi-annually, declare and make such dividends as they may deem proper, of the net profits arising from the resources of the said company, after deducting the necessary current and probable contingent expenses, and that they shall divide the same amongst the stockholders of said company, in proportion to their respective shares.

Sec. 19. That if any person or persons shall wilfully, by any means whatever, injure, impair or destroy any of the locks or dams, constructed by said company under this act, such person or persons so offending, shall each of them, for every such offence, forfeit and pay to said company a sum, not exceeding five hundred dollars, which may be recovered in the name of the said company, by suit in any court possessing competent jurisdiction.

Sec. 20. That the locking and damming of said river shall [be] commenced within ten years after the capital stock shall have been subscribed, and that the same shall be completed within twenty years thereafter; but the president and directors, or two-thirds of them, shall determine where the work shall commence, and what work is done shall be done in one continuous line, and connected together.

Sec. 21. That so soon as the company have completed a sufficiency of their route, they may commence and prosecute their business, upon the terms and on [the] stipulations herein provided for, as though the whole work was completed.

Sec. 22. That the government of the United States shall be and they are hereby permitted to hold stock in the corporation created by this act, upon the same terms and on the same conditions, and subject to the same restrictions, that the other stockholders are.

Sec. 23. That when the aggregate amount of the dividends declared, shall amount to the full sum invested, and six per centum per annum interest thereon, the legislature may so regulate the tolls and freights that not more than fifteen per centum per annum on the capital shall be divided; and the surplus profits, if any, after paying the expenses and reserving such proportion as may [be] necessary for future contingencies, shall be paid over to [the] treasurer of State, for the use of common schools; but the corporation shall not be compelled by any law to reduce the tolls and freights, so that a dividend of fifteen per centum per annum cannot be made: and it shall be the duty of the corporation to furnish the General Assembly, at each session thereof, with a correct statement of the amount of expenditures and the amount of profits, after deducting all expenses, which state-

ment shall be made under the oath of the officer whose duty it shall be to make the same.

SEC. 24. That the foregoing act is [hereby] made a public act, and [shall be] held as such in the courts of this State.

CHAPTER CCXXXII.

An Act for the relief of E. F. Lucas.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That E. F. Lucas be paid the sum of three hundred dollars for extraordinary services, during the year 1845, out of the canal fund east of Tippecanoe river, for examinations made into the conditions of water power on the Wabash and Erie canal, and making report thereof, in pursuance to an act in relation to water power on the Wabash and Erie canal, approved January 13, 1845.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCXXXIII.

An Act for the relief of John Patterson, of Boone county.

[APPROVED JANUARY 19, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners for the county of Boone, at their session in March next, or any subsequent session, be and they are hereby authorized, upon the application of said Patterson, to remit or release all or any part of a judgment rendered against the said Patterson, as collector of said county for the year 1840, and his securities in office, for the non-payment of the county revenue for said year, in the Boone circuit court, upon the relation of the treasurer of said county.

SEC. 2. That the said Patterson, and his securities in office, shall be forever discharged from the amount so remitted or released by said board, by filing a certified copy of such order in the office of the clerk of the circuit court of said county.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCXXXIV.

An Act for the relief of the heirs of Michael Ross, deceased.

[APPROVED JANUARY 19, 1846.]

WHEREAS, Michael Ross, an alien, lately departed this life, being the owner of, or having some claim to certain real estate, in this State, leaving children, or other persons, who would inherit the same, but for his or their alienage: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the disability of alienage of the said Michael Ross is hereby removed, so far as it may or can affect the title or discredit of said real estate; and that the said real estate shall descend to the children or other persons to whom the same would have descended, but for his or their alienage.

SEC. 2. The State of Indiana doth hereby release, convey, grant and confirm unto the children and other persons to whom said real estate would have descended, but for his or their alienage, and to their heirs and assigns, all the interest which she has or may have in the same real estate by escheat.

SEC. 3. This act shall be in force from and after its publication.

CHAPTER CCXXXV.

An Act declaring a certain county Road, therein named, a State Road.

[APPROVED JANUARY 14, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county road, commencing at the State road running from Newcastle to Pendleton, near the widow Ratliff's house, running north until it intersects the range line, thence on the range line north, by the Sulphur Springs, until it intersects the Pendleton and Muncietown State road, be and the same is hereby declared a State road.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXXXVI.

An Act authorizing the county Board of St. Joseph county to employ a physician for the poor.

[APPROVED DECEMBER 30, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section ten, article one, chapter nineteen, of the Revised Statutes of 1843, be and the same is hereby so amended as to authorize and empower the board doing county business in the county of St. Joseph, if they shall deem it expedient, to employ a physician for the poor of said county, by the year, whose duty it shall be to attend to all cases at the poor-house farm, in said county, where medical aid shall be required.

SEC. 2. That all acts contrary to this act, so far as the county of St. Joseph is concerned, be and the same are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCXXXVII.

An Act to correct the boundary line of Richardville county.

[APPROVED JANUARY 13, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That sections one, twelve and thirteen, in township twenty-three north, of range one east, and sections one, twelve, thirteen, twenty-four, twenty-five and thirty-six, in township twenty-four north, of range one east, be and the same are hereby attached to and made a part of the county of Richardville.

SEC. 2. An act correcting the boundary line of Richardville county, approved January 13th, 1845, is hereby repealed.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCXXXVIII.

An Act to change the name of Aberdeen town, in Hamilton county.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the town of Aberdeen, in Hamilton county, shall no more be called Aberdeen, but shall be called Boxleytown.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCXXXIX.

An Act to dissolve the bonds of matrimony between Frederick Hartsel and Rosanna Hartsel.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bonds of matrimony heretofore and now existing between Frederick Hartsell and Rosanna Hartsell, both of Marion county, be and the same are hereby dissolved.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCXL.

An Act to vacate a certain State Road, in Jefferson county.

[APPROVED DECEMBER 30, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the old State road leading from Vernon to Madison, as lies between the centre of section twenty-seven, in township number five north, of range number nine east, and the east line of the south-west quarter of section twenty-six, in same town and range, be and the same is hereby vacated; and the county road leading from the aforesaid centre of section twenty-seven east, to the new State road, be and the same is hereby declared a State road.

SEC. 2. That nothing herein contained shall be so construed as to vacate the old State road, until the new county road is made as good as the State road now is, to be determined by the board doing county business, in Jefferson county.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCXLI.

An Act to dissolve the bonds of matrimony between Jared S. Riker and Thursey Ann Riker.

[APPROVED JANUARY 14, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bonds of matrimony heretofore and now existing between Jared S. Ryker and Thursey Ann Ryker, of Jefferson county, be and the same are hereby dissolved.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXLII.

An Act legalizing the acts of certain Justices of the Peace, in Allen county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the acts of Justices of the peace, in Allen county, who were elected on different days other than the first Monday in April, be and the same are hereby legalized; and their official acts shall have the same force and effect as though they had been elected on the first Monday in April.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXLIII.

An Act to change to mode of working roads in Rush county.

[APPROVED JANUARY 16, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter it shall be the duty of each and every person in the county of Rush discharging their road tax by labor to perform the labor in the district in which the taxables may be situated.

SEC. 2. That every law of this State contravening the provisions of this act, so far as relates to the county of Rush, be and the same is [are] hereby repealed.

CHAPTER CCXLIV.

An Act granting the right of way to a company to construct a rail or turnpike road therein named, in the county of Vermillion.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled "An act granting to the State of Illinois the right of way to construct the Northern Cross railroad with the Wabash and Erie canal at Perrysville, Indiana," approved January 30th, 1839, be and the same is hereby revived, and all the rights and privileges therein granted to the State of Illinois, are hereby granted to any company of individuals that has been or may hereafter be formed in the county of Vermillion and State of Illinois, and empowered by charter to construct a rail or turnpike road from Danville in said State, to Perrysville, Vermillion county, Indiana: *Provided*, The said company shall assume all the liabilities enjoined on the State of Illinois by the said act: *And provided further*, That the said road shall be commenced in two and finished in six years.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXLV.

An Act to authorize Nicholas McCarty to build a mill dam across White river, in Marion county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Nicholas McCarty of Marion county, Indiana, be and is hereby authorized to erect a mill dam across White river at the head of the bayou, near Governor's Island, in section eleven, township fifteen north, of range three east, in the county of Marion, which mill dam shall not exceed eighteen inches of perpendicular elevation, nor be so high as to obstruct or hinder the running of any mills above it.

SEC. 2. The heirs or assigns of the said Nicholas McCarty shall be entitled to all the rights, privileges, and benefits in this act conferred upon said McCarty, and they and each of them shall in every particular be governed by the provisions of this act.

SEC. 3. The said Nicholas McCarty shall be entitled to all the benefits of the writ of *ad quod damnum* to condemn the lands necessary for his use to build said mill dam.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CCXLVI.

An Act to correct the boundary line of Carroll county.

[APPROVED JANUARY 13, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of section thirty-three in township twenty-six north, range three west, and sections four, nine, sixteen, and twenty-one in township twenty-five north, range three west, as lies west of Tippecanoe river, be and the same is hereby made a part of Carroll county.

SEC. 9. This act to be in force from and after its approval by the Governor.

CHAPTER CCXLVII.

An Act for the relief of purchasers of School Lands in the county of Harrison.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the township trustees of each congressional township in said county of Harrison, to sit in their official capacities as such trustees, to hear and determine according to justice and equity, all claims that may be submitted to them by any purchaser or purchasers of school lands in their respective townships, for money paid for said school lands and forfeited; and also to determine upon due proof, what amount of damage may have been done to said forfeited school lands, or the timber thereon, by the said purchaser or purchasers while in his or their possession.

SEC 2. Any person who may have, before the passage of this act, forfeited to any township, in said county of Harrison, any purchase money paid for any lands belonging to said township, shall, on sufficient proof being made to said trustees, be entitled to a certificate under their hands and seals of the amount of money so paid and forfeited.

SEC. 3. It shall be the duty of said trustees to hear proof and determine therefrom what amount of damage, if any, may [have] been done by said purchaser or purchasers to said forfeited school lands, or the timber thereon, while in his or their possession, and to deduct the amount of said damage from the amount of money so paid and forfeited, and give their certificate for the residue only.

SEC. 4. Such certificate when so made, shall be received by the school commissioner or other proper officer of said county authorized by law to receive payment for school lands in such township, in payment for any dues, or purchase money due and owing for school lands in the proper township, and such certificate when so received shall be a sufficient voucher for said school commissioner or other proper officer, and shall entitle him to a credit for the amount thereof.

SEC. 5. The provisions of this act shall extend to and be in force in the county of Orange.

SEC. 6. This act to take effect and be in force from and after the date of its approval by the Governor.

CHAPTER CCXLVIII.

An Act to repeal an act providing for the opening and repairing Roads and Highways and Streams, in the counties of Bartholomew, Putnam, Owen, Henry and Perry, approved January 31, 1843, so far as the county of Bartholomew is concerned.

[APPROVED JANUARY 6, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled "An act providing for the opening and repairing roads, and highways, and streams, in the counties of Bartholomew, Putnam, Owen, Henry and Perry, be, and the same is hereby repealed, so far as it relates to Bartholomew county.

SEC. 2. That the general laws of the State of Indiana relating to roads and highways are hereby revived and declared to be in full force in said county, except so much of the eighty-first section of chapter sixteen, of the Revised Laws of 1843, as makes it the duty of supervisors to make additional assessments of labor. And except so much of the one hundred and third section of said chapter as requires the board of county commissioners to assess real estate with a highway tax, leaving it discretionary with the board of commissioners of the county of Bartholomew to assess any such tax or not.

SEC. 3. This act to be in force from and after its publication in the Indiana State Sentinel.

CHAPTER CCXLIX.

An Act to legalize the election of Russell Mitchell, a Justice of the Peace in Pleasant Run township, Lawrence county, and for other purposes.

[APPROVED DECEMBER 30, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the election of Russell Mitchell as a justice of the peace in Pleasant Run township, Lawrence county, in the year 1844, be, and the same is hereby legalized, and that full faith and credit shall be given to all the official acts of said justice in the same manner as though said election had been advertised in accordance with the law then in force regulating the election of justices of the peace in this State.

SEC. 2. That the said justice Mitchell is hereby authorized and

empowered to retain in his possession and to act upon the same in all cases required by law, the docket and papers thereto belonging, which was made and kept by him during a preceding term of five years, as justice of the peace of the aforesaid township.

SEC. 3. It is hereby made the duty of the Secretary of State to forward a certified copy of this act to the county auditor of Lawrence county, whose duty it shall be to have the same published in the Bedford Sun, from and after which time this act shall take effect and be in force.

CHAPTER CCL.

An Act to incorporate the Hagerstown Musical Institute.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John A. Johnson, Edward G. Vaughn, Thomas Vickers, Thomas Williams, Alfred B. Williams, George West, Frederick R. Jenks, Caleb S. Duhadway, Nimrod K. Knott, John P. Stone, Absalom Cunningham, William C. Ohr, and William Allender, together with such other persons as may with their consent associate themselves with the persons above named, for the purpose of forming a musical band in Hagerstown, Wayne county, Indiana, be and the same are hereby constituted a body corporate and politic, and by the name and style of the Hagerstown Musical Institute; shall have power to sue and be sued, to defend and be defended in any and all courts in this State.

SEC. 2. Said institute shall elect such officers as the members thereof may deem unnecessary [necessary] for the correct management of their business, and as may be prescribed in the bye-laws which they may adopt.

SEC. 3. The institute shall have full power at any of its meetings to enact such bye-laws as may be necessarry to carry out the objects of the institution, and to inflict such forfeitures and penalties as may be necessary to enforce and carry them into effect, not inconsistent with the constitution of the United States or of this State.

SEC. 4. Said institute shall receive additional members upon such terms and in such manner as shall be pointed out by its by-laws, and may receive donations in money, property, or musical instruments, and hold and use the same as the property of the institute.

SEC. 5. Said institute may at any time make up a capital stock, not exceeding two thousand dollars, in shares of two dollars and a

half each, which shall be transferable, and which shall be appropriated for the purchase of books, musical instruments, and such other articles of property as may be necessary to effect the objects of the institution, and for defraying the ordinary and necessary expenses of the institution.

Sec. 6. The institute may be dissolved by a vote of two-thirds of the members, including the stockholders, and the property be disposed of, or divided in such manner as two-thirds may direct.

Sec. 7. The provisions of this act shall be subject to alteration and repeal at any time hereafter, the property in case of repeal to be distributed among the stockholders of the company according to their respective right.

Sec. 8. The stockholders in said musical institute shall be liable for the debts of said corporation in their individual capacity, in proportion to the amount of stock held by each: *Provided*, That the property and effects of said corporation shall first have been disposed of to satisfy the debts incurred or created by the corporation.

Sec. 9. This act to be in force from and after its passage.

CHAPTER CCLI.

An Act to extend the provisions of an act therein named to Madison county.

[APPROVED JANUARY 14, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of an act entitled "An act to compel speculators to pay road tax equal to that paid by actual settlers," approved January 31, 1842, except so much as relates to the counties of Fulton and Marshall be, and the same are hereby extended to Madison county: *Provided, however*, In lieu of the word fifteen where it occurs in the first section, the word ten shall be substituted therefor: *Provided also*, That in lieu of the words "only one day," where they occur in the second section, the words "two days" shall be substituted therefor, and in default thereof shall pay the sum of seventy-five cents per day, to be collected in the manner prescribed by the act aforesaid.

Sec. 2. All laws contravening the provisions of this act, or prescribing any other mode of assessing and collecting road tax in said county of Madison be, and the same are hereby repealed.

Sec. 3. This act shall be in force from and after its passage, and the Secretary of State shall forthwith forward a copy of this act to the auditor of said county.

CHAPTER CCLII.

An Act in relation to the granting of tavern licenses, in the county of Cass.

[APPROVED JANUARY 15, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled "An act regulating the granting of licenses in the counties of Rush, Shelby, Spencer, Harrison, Warrick, Greene, Union, Dubois, Switzerland, Marshall, Cass and Gibson, approved February 2d, 1843," so far as the same relates to the granting of licenses to tavern keepers, in said county of Cass, be and the same is hereby repealed; and the act entitled "An act to license and regulate taverns and groceries, approved February 3rd, 1832," be and the same is hereby revived, so far as relates to the granting of licenses to tavern keepers, in the said county of Cass: *Provided*, That nothing in this act shall be so construed as to interfere in any way with the city of Logansport.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCLIII.

An Act to incorporate the Union Medical Society, of northern Indiana.

[APPROVED JANUARY 19, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Milton McLatta, Paul Henke, E. W. H. Ellis, Richard M. Kendall and H. Wehmer, and their associates, together with such as may hereafter be associated with them, be and they are hereby created a body corporate and politic, with succession for thirty years, by the name and style of "the Union Medical Society of northern Indiana," and by that name may sue and be sued, plead and be impleaded, in all courts of law and equity; may have a common seal, and the same to alter at pleasure; shall be capable of holding personal or real estate, by gift, grant or devise; may sell, dispose of and convey the same, provided the value thereof shall not exceed twenty thousand dollars, and the same shall be devoted exclusively to the object of promoting and elevating the science of medicine, and its collateral branches: *Provided*, That no part of said funds, or income thereof, shall at any time, directly or indirectly, be employed in banking; nor shall said society issue certificates of

Laporte county to make to John Johnson of said county, the same allowance for the arrest of a horse thief, calling himself John Johnson, as they might have made if said horse thief had been convicted of said crime.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCLVIII.

An Act to incorporate a Military Company called the Terre Haute Greys.

[APPROVED DECEMBER 30, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Lewis Levy, E. W. Conard, Edmund Glazier, Lawrence Schuler, and others who have formed themselves into an independent military company called the "Terre Haute Greys," be and the same is [are] hereby constituted a body corporate and politic bearing the name aforesaid.

SEC. 2. The said company, by the name aforesaid, shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded in all courts whatever.

SEC. 3. The said company, by the name aforesaid, shall have a common seal, and may change the same at their pleasure; they shall have full power to adopt a constitution, and to make such by-laws as may be necessary for the government and control of said company, and to alter and amend the same at pleasure.

SEC. 4. The said company, by the name aforesaid, shall have full power to elect all officers that may be necessary for the organization of said company, and fill all vacancies that may occur at any time whatever, and to do all other things pertaining to the object of said company.

SEC. 5. This act to be in force from and after its passage.

CHAPTER CCLIX.

An Act to legalize certain Deeds therein named.

[APPPOVED JANUARY 15, 1846.]

WHEREAS, John Martin, school commissioner for the county of Crawford, State of Indiana, made two deeds of conveyance to Lebbeus Frisbie, of the county and State aforesaid, bearing date February 22, 1843, and recorded in the recorder's office of said county, in deed book C, pages 337 and 338, which deeds are not in conformity with the law made and provided for said conveyances: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the two deeds of conveyance for certain premises therein specified, made by John Martin as school commissioner for Crawford county, to Lebbeus Frisbie, bearing date February 22d, 1843, and recorded in the recorder's office of Crawford county, in record book letter C, on pages 337 and 338, be and the same are hereby in all things declared to be valid, the same as if said deeds had been lawfully worded and acknowledged by said school commissioner at the time of the execution of said deeds, and said conveyances are hereby in all things confirmed.

CHAPTER CCLX.

An Act to survey and locate a State Road from Robinson's Ferry, on White river, in Daviess county, to Harrisonville, in Martin county.

[APPROVED JANUARY 14, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Frederick Myers and Andrew Farris, of the county of Daviess, and John Wood, of the county of Martin, be and they are hereby appointed commissioners to survey, mark and locate a State road from Robinson's Ferry, in Daviess county, by Sapp's store, to Harrisonville, in Martin county.

SEC. 2. The said commissioners, or a majority of them, after being duly sworn to perform their duty faithfully, which oath they are hereby required to take, shall proceed, on or by the 20th day of May, 1846, to perform the duties required of them by the first section of this act, and shall continue until the whole line is completed.

SEC. 3. The said commissioners, after having completed said sur-

vey and location, shall return to the auditors of their respective counties a proper profile, with the boundaries so designated that at all times hereafter said road may be correctly traced and known.

SEC. 4. The expenses of surveying and locating the aforesaid road shall be paid by the counties of Daviess and Martin; each in proportion to the length of said road in each county, and the county boards of each county respectively shall order to be paid such amount as they may deem just and equitable.

SEC. 5. It is hereby made the duty of each of the auditors aforesaid, to have recorded immediately on reception from the commissioners aforesaid, the profile and boundaries of said road; and it is also made the duty of the boards doing county business aforesaid, to lay off said road into convenient road districts, and for each district so laid off as above, if not attached to districts already formed, there shall be elected or appointed a supervisor according to the laws in force for electing or appointing supervisors.

SEC. 6. It shall be the duty of each supervisor in the said districts, to open said road as soon as practicable, by the labor of his district, according to the laws in force for working roads.

Sec. 7. This act to take effect and be in force from and after the filing of a certified manuscript copy in each clerk's office of the counties aforesaid.

CHAPTER CCLXI.

An Act establishing a State road in the counties of Elkhart and St. Joseph.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Cornelius Tenoilliger of the county of Elkhart, and William C. Shrall of the county of St. Joseph, be and they are hereby appointed commissioners to view, mark and locate a State road as follows: commencing in township thirty-seven north, of range four east, on section sixteen, on the farm of Daniel Crull, at a road running from Syracuse to Mishawaka, at the aforesaid Crull's barn, thence running south across said Crull's farm, thence through said Crull's lane, thence southeast to the quarter stake between sections twenty-one and twenty-two, on the line dividing the counties of Elkhart and St. Joseph, thence south on said line until it intersects the Goshen and Plymouth State road, where the said road leaves the said county of Elkhart.

SEC. 2. The commissioners shall meet at the house of Cornelius Tenoilliger, in Elkhart county, on or before the first day of May

next, and proceed to locate said road as is provided in the first section of this act, a statement of which shall be filed in the office of the auditor of each county aforesaid, in which said road shall pass.

SEC. 3. The board doing county business in the counties aforesaid, shall make such allowance to said commissioners for their services aforesaid, as may seem just and reasonable.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CCLXII.

An Act to authorize Aaron R. Sayer and Daniel Sayer to build a dam across the Mississinnewa river, in Wabash county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Aaron R. Sayer and Daniel Sayer, of the county of Wabash, be and are hereby authorized to construct a mill dam across the Mississinnewa, at their lands on said river, about one mile above Twin Springs, in the said county of Wabash: *Provided*, The same shall not exceed four feet in height.

SEC. 2. The said Aaron R. Sayer and Daniel Sayer shall be entitled to all the benefits of the writ of *ad quod damnum*, to condemn the lands necessary for his [their] use, to build said mill dam.

SEC. 3. The said Aaron R. Sayer and Daniel Sayer shall be required to make and construct, in some suitable part of said dam, a good and sufficient slope, at least twenty feet wide, to admit the free passage of rafts, flat-boats and other crafts.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CCLXIII.

An Act to vacate a part of a State Road in Bartholomew county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the Gosport and Columbus State road as lies between the west line of section seven, in township nine north, of range five east, and where it intersects the Mauk's Ferry State

road, in Bartholomew county, be and the same is hereby vacated; and said road is hereby changed so as to continue to rnn on the Columbus and Morgantown State road, to where it intersects the Mauk's Ferry State road.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCLXIV.

An Act for the relief of Robert Stockwell, of Gibson county.

[APPROVED JANUARY 15, 1846.]

WHEREAS, It is represented to this General Assembly that James Hayward, a native of England, emigrated to the United States, in the year 1818, and in the same year purchased of and from the United States the following described tracts of land, situated in county of Vanderburgh, in this State, that is to say: section number eleven; also, the south-east half of section number two; also the south-east quarter of section number ten; and also, the north-west quarter of section number twelve, all in township number five south, of range number eleven west, in the Vincennes land district: AND WHEREAS, the said James Hayward, shortly after his arrival in the United States, and prior to his purchase of said tracts of land, made a declaration of his *bona fide* intention to become a citizen of the United States, in some one of the courts of the State of New York, the evidence of which declaration has been lost or destroyed: AND WHEREAS, the said Hayward, after the making of said declaration, and after the purchase of said lands, returned to England, (in consequence of the death of his father, who died in England, leaving him a considerable estate,) and has remained there ever since his return, having however, regularly, by his agents, paid all the taxes which have been assessed on said lands, since the purchase thereof: AND WHEREAS, the said James Hayward, on the eighth day of November, A. D., 1845, conveyed all of said tracts of land to Robert Stockwell, of Gibson county, in fee simple, by his deed of that date, subject to certain trusts in said deed expressed and contained: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said conveyance of said lands, by the said James Hayward to the said Robert Stockwell, be and the same is hereby legalized, and rendered and declared to be as valid and effectual, to all intents and purposes, as if the said James Hayward had been,

at the time of the execution of said deed, a citizen of the United States.

SEC. 2. The State of Indiana hereby relinquishes and forever quit claims to the said Robert Stockwell, his heirs and assigns, all the right, title and interest which she has acquired, or might acquire, of, in or to said lands, or any part thereof, by reason of the alienism of the said James Hayward, subject however to the uses and trusts in said deed expressed and contained.

SEC. 3. This act shall be taken and construed to be a public act, and shall take effect and be in force from and after its passage.

CHAPTER CCLXV.

An Act to vacate the town of Blakesburg, in Putnam county.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the town of Blakesburg, in the county of Putnam, heretofore laid off by James Blake, be and the same is hereby vacated.

SEC. 2. This act to take effect from and after its passage.

CHAPTER CCLXVI.

An Act relative to the County Auditors' fees of Ripley and Spencer counties.

[APPROVED JANUARY 13, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of section one hundred and sixty-three of chapter twelve of the Revised Statutes of 1843, as allows the county auditor twelve and one-half cents for every transfer of land for taxation, be and the same is hereby repealed in the counties of Ripley and Spencer.

SEC. 2. And this act to take effect and be in force from and after its publication.

CHAPTER CCLXVII.

An Act to amend an act entitled "An act to incorporate the Vevay and Napoleon and other Turnpike Companies," approved February 8, 1836, approved January 15, 1844, approved January 13, 1845.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the second section of the act to which this is an amendment be and the same is hereby so amended as to require but fifty shares of the capital stock in the Rising Sun, Versailles, and Napoleon turnpike company to be subscribed to authorize and empower said company to hold their elections and to fully organize said company according to the provisions of the several acts incorporating said company.

SEC. 2. It shall be the duty of the commissioners named in the act to which this is an amendment, to convene at the town of Rising Sun in the county of Ohio, on the first Monday in April, 1846, or as soon thereafter as may be convenient, and compare the stock books, and if it shall appear upon said examination that there is the requisite number of shares subscribed, as required by this act, then and in that case they shall proceed to discharge the duties assigned them by the several acts to which this is an amendment.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCLXVIII.

An Act authorizing B. F. C. Lodge, late Collector of Jefferson county, to collect arrearages of taxes.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That B. F. C. Lodge, late collector of Jefferson county, be and he is hereby authorized to collect all arrearages of taxes still due for the years for which said Lodge was collector, and he is hereby invested with the same power to collect the same as he was before the return of the list of assignments or duplicate on which such delinquencies now stand.

SEC. 2. That the said Lodge being the administrator of his father, John Lodge, now deceased, is hereby authorized to collect the damages due upon the assessment rolls or duplicates of said John Lodge, and account for the same to the estate of said John Lodge, and he is hereby invested with all the powers to collect the same as was invested in the said John Lodge before the return of his assessment rolls or duplicates.

SEC. 3. That said B. F. C. Lodge be and he is hereby authorized to appoint a deputy or deputies to aid him in making such collection, he the said B. F. C. Lodge being accountable for the action of such deputies: *And further*, That the said B. F. C. Lodge to be accountable for any and all damages that may be justly chargeable for any misfeasance in collecting said arrearages.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CCLXIX.

An Act establishing a State road in the counties of Montgomery and Fountain.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That George Balser of Montgomery county and Henry Bruner of the county of Fountain be and they are hereby appointed commissioners to view, mark, and locate a State road as follows: commencing at the town of Alimo, thence due west on the section line running the line of the lands of Samuel McKinsey, Nathan Truax, William Bowerman, Daniel Palmer, Abner Willis, Isaac Waggoner, Cary Palmer, Jacob Keller, Widow Carter, Joseph S. V. Hatt, John Krout, George Grimes, Daniel Keller, Henry Bruner, Levi Fine, George W. Clouse, Noah Myers, and Jacob Bowman, intersecting the State road leading from Covington via of Jacksonville to Greencastle.

SEC. 2. The commissioners shall meet at Alimo, in Montgomery county, on or before the first day of May next, and proceed to locate said road as is provided in the first section of this act; a statement of which shall be filed in the office of the auditor of each of the counties in which said road shall pass.

SEC. 3. The board doing county business in the counties aforesaid shall make such allowance to said commissioners for their services aforesaid as may seem just and reasonable.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CCLXX.

An Act for the relief of purchasers of certain canal lands lying in the county of Cass.

[APPROVED JANUARY 19, 1846.]

WHEREAS, It is represented that certain canal lands lying and being in section ten, fifteen, twenty-two, and twenty-seven in township twenty-seven north, of range one west, fall short in the number of acres for which they were purchased from fifteen to twenty acres in each eighty acre lot in one-half of each of said sections: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Superintendent of the Wabash and Erie canal or other officer authorized to receive payments on canal lands is hereby required to pay unto person or persons entitled to receive the same the amount per acre of the original purchase money, and the interest paid thereon for each and every acre of such delinquency; such payments shall be made in funds now receivable for State lands for the construction of the said canal east of the mouth of the Tippecanoe river: *Provided*, That before any such payments are made, there shall be an accurate survey made of the same by the county surveyor of the county of Cass, which surveyor shall certify the exact amount of such deficiency, and file the same in the canal land office: *Provided also*, That the said survey shall be made at the expense of those for whom the same may be made.

SEC. 2. That all the beneficial provisions of this act shall be and the same are made applicable to the county of Clark.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCLXXI.

An Act for the relief of Sarah Wallace.

[APPROVED JANUARY 30, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bonds of matrimony heretofore existing between James W. Wallace and Sarah Wallace of Marion county, be and the same is [are] hereby dissolved.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCLXXII.

An Act to locate a State road in the counties of Ohio and Switzerland.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Edward Ricketts of the county of Ohio, and Daniel Kelso and Hiram Robinson of the county of Switzerland, be and they are hereby appointed commissioners to view, mark and lay out a State road from Rising Sun, in Ohio county, to Garrison's Mills, in Switzerland county.

SEC. 2. Said commissioners, or any two of them, shall meet on the second Monday in March next, or so soon thereafter as they may think proper, at the clerk's office in Rising Sun, and after taking an oath for the faithful discharge of their duties as such commissioners as aforesaid, shall proceed to view, mark and lay out a State road from Rising Sun, in Ohio county, to Garrison's Mills, in Switzerland county.

SEC. 3. Said road shall be located as near as practicable on the same ground now used for a county road between the aforesaid points, and shall be at least thirty feet wide.

SEC. 4. So soon as said State road is located and opened fit for travel, said county road shall be, and is by this act declared to be, vacated.

SEC. 5. Said commissioners shall make return of their proceedings herein: that part of said road which lies within the county of Ohio shall be returned to the auditor of Ohio county, and that part of said road which lies within Switzerland county shall be returned to the auditor of Switzerland county, and the said auditors shall record the same among the records of roads in their respective counties.

SEC. 6. Said commissioners shall be paid a reasonable compensation for their services out of the treasury of their respective counties: *Provided, however*, That in the county of Switzerland said road shall not pass through any enclosure unless the owner thereof shall consent thereto.

SEC. 7. This act to take effect and be in force from and after its passage.

CHAPTER CCLXXIII.

An Act to provide for the election of a County Surveyor in the counties of Fulton and Steuben.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it may be lawful for the qualified voters in the counties of Fulton and Steuben to elect a County Surveyor in each of said counties on the first Monday in August preceding the termination of the term of service of the present incumbent, and every three years thereafter, who shall be commissioned by the Governor, and hold their offices for the period of three years, and until their successors are elected and qualified.

SEC. 2. Said county surveyors so elected by the people, shall be governed by the same laws, discharge the same duties, and receive the same compensation as is now provided for by law for county surveyors.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCLXXIV.

An Act to locate a State road in Fulton and Marshall counties.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Young Ralstin of the county of Fulton, Abel C. Hickman, and Major Tuttle of the county of Marshall, be and they are hereby appointed commissioners to view, mark and locate a State road commencing on the Michigan road three quarters of a mile north of the Tippecanoe bridge, at the place where the county road intersects the Michigan road, in Fulton county, thence along said county road, or near it, to the north line of Isaac Butler's land, thence to the northwest corner of Jonathan Butler's land, thence west eighty rods, thence northwest to the northeast corner of section twenty-eight, township thirty-two north, of range two east, thence north with said line to or near the northeast corner of Edward Newhouse's land, thence northwest to Barbour and Blivan's mills, thence northwest to intersect the Yellow river road six and a

half miles northwest of Plymouth, in Marshall county, on the lands of Thomas Singleton.

SEC. 2. Said commissioners shall proceed, on the first Monday in May next, or on some subsequent day, after taking an oath faithfully and impartially to discharge the duties enjoined upon them by this act, (shall proceed) to view, mark and locate said road; and it shall be the duty of said commissioners to make a report of said road, and file a plat of the same in each of the clerk's offices of the counties of Fulton and Marshall.

SEC. 3. It shall be the duty of the board doing county business to order said road to be opened any width, not exceeding sixty feet; and said board doing county business in the counties through which said road passes, shall divide the expenses of locating said road in proportion to the distance which said road passes through each county, and shall also allow said commissioners such compensation for their services as to them may seem reasonable.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CCLXXV.

An Act to assess a school tax in the counties of Adams and Jay.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the qualified voters within each organized school district within the counties of Adams and Jay, at any general or special meeting of said school district, held in pursuance of the fourth article of the Revised Statutes of 1843, may, by a vote of a majority of all the voters of said district, assess a tax for school purposes, not to exceed one cent on each and every acre of land subject to taxation in said districts; and on town lots with the improvements thereon not to exceed twenty-five cents on the hundred dollars valuation thereof.

SEC. 2. When any tax is required to be assessed agreeable to the first section of this act, it shall be the duty of the clerk of said district to certify that fact to the county auditor, together with the boundary of the school district, with the votes of the meeting directing the same.

SEC. 3. The county auditor shall make the same assessment thereof, and in the same manner as he is now required in the third article of the fifteenth chapter of the Revised Code of 1843.

SEC. 4. The county treasurer shall collect and pay over the

same in the same manner as he is now required by the sixty-eighth and sixty-ninth sections of the fifteenth chapter of the Revised Code of 1843, except he shall not receive any per centage therefor.

SEC. 5. The tax when collected shall be paid over to the school district from which the same shall have been collected.

SEC. 6. All laws and parts of laws coming within the purview of this act be, and the same are hereby repealed.

SEC. 7. This act to be in force and take effect from and after its passage.

CHAPTER CCLXXVI.

An Act to authorize William M. Hughs and Willis Hodges to substitute their notes and mortgages to the State for that of Otis and William Page.

[APPROVED JANUARY 5, 1846.]

WHEREAS, It is represented to this General Assembly that Willis Hodges and William M. Hughs of the city of Madison has [have] heretofore purchased of Otis and William Page of the same city, their bank stock in the branch of the State Bank of Indiana at Madison, and has [have] agreed to assume their debt to the State for said stock, and to procure a satisfaction of the mortgage of said Otis and William Page to the State to secure the payment of the said note to the same: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the President of the State Bank be and he is hereby authorized to substitute the note and mortgage of William M. Hughs and Willis Hodges for the note and mortgage of Otis and William Page to the State of Indiana, given for a loan from the State to be invested in bank stock in the branch of the State Bank of Indiana at Madison: *Provided*, That the note and mortgage to be given by the said William M. Hughs and Willis Hodges shall be equally good and safe to the State as the note and mortgage for which the same may be substituted: *And provided also*, That said mortgage and notes shall be ample and sufficient to protect the State against loss.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCLXXVII.

An Act for the relief of Rufus A. Lockwood.

[APPROVED JANUARY 19, 1846.]

WHEREAS, It has been shown to this General Assembly that at the resale in November, 1845, of lands mortgaged to the State for loans of the sinking fund of this State, certain lands in Tippecanoe county, mortgaged as aforesaid by William Wile, were struck off to Rufus A. Lockwood for the sum of seven hundred and fifty dollars, on a credit of five years; for which sum said Lockwood has given bond and paid the interest in advance for one year: AND WHEREAS, Said sum exceeds the amount due the State on account of said mortgage, and it appears that said Lockwood is entitled to said excess of said sum over the amount so due the State and to the interest paid by him on such excess: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the commissioners of said sinking fund be and they are hereby directed to credit the said bond given by said Lockwood with the same excess and interest paid thereon from the date of said sale.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCLXXVIII.

An Act for the benefit of Supervisors in Scott, Shelby, Decatur, and Clark counties.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter it shall not be the duty of supervisors on roads in Scott, Shelby, Decatur, and Clark counties to give receipts to resident citizens on the payment of road tax; and the county treasurer shall not have to account for the same as the law provides in section one hundred and four, chapter sixteen, of the Revised Statutes of 1843.

SEC. 2. All laws and parts of laws coming within the purview of this law be and the same is [are] hereby repealed so far as the counties of Scott, Shelby, Decatur, and Clark are concerned.

SEC. 3. This act to take effect from and after its passage.

CHAPTER CCLXXIX.

An Act to subdivide certain school lands in the counties of Randolph and Delaware, belonging to congressional township number eight in Monroe county.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That when any purchaser or purchasers of any of said lands (the same being purchased in eighty acre tracts) shall desire to complete the payment of the amount due on any forty acre tract of any such purchases aforesaid, they may complete such payment, and the school commissioner of Monroe county shall receive and receipt for the same, and the auditor of said county shall make to such purchaser or purchasers a deed or deeds for such forty acre tract or tracts, and the school commissioner of said county shall attest the same: *Provided*, That any payments made upon the said eighty acre tracts shall not be all transferred to any one half thereof, to-wit: on any one forty acre tract, but shall be equally divided on each forty: *And provided further*, That no deed for a forty acre tract shall be made until the auditor of Randolph or Delaware counties, as the case may be, certify that the forty acres, not so paid out, is fully worth the balance of the purchase money.

SEC. 2. This act to take effect and be in force frrom and after its passage.

CHAPTER CCLXXX.

An act authorizing John Howenstein, his heirs and assigns to keep, maintain, and improve his mill premises and their appurtenances on the St. Mary's river, in the county of Allen.

[APPROVED JANUARY 15, 1846.]

WHEREAS, The said river and its tributaries throughout their whole course afford but little natural power for machinery or the purposes of navigation, as the channels become almost dry in the summer and fall seasons of the year; that the public, by an acquiescence of more than twenty years, have secured the advantages of the short and uncertain navigation it affords in times of rains and floods, for a dedication of their channels to hydraulic purposes: AND WHEREAS, the Legislature have passed acts authorizing the erection of mills on said river: Therefore,

SECTION 1. That John Howenstein, his heirs and assigns, be and [they] are hereby authorized to keep, maintain, and improve his mills and dam on the Saint Mary's river, in the county of Allen, for grist and saw mills and other machinery.

SEC. 2. That the said John Howenstein, his heirs and assigns, in case the said dam does or should overflow any mansion, house, out-house, garden, or land of any proprietor, and without consent of such proprietor, he shall be entitled to all the benefits of the writ of *ad quod damnum*, to have such mansion, house, out-house, garden or land valued and condemned, as if he, the said Howenstein, had built said mills and dam.

SEC. 3. To be in force from and after its passage.

CHAPTER CCLXXXI.

An act to authorize the placing of swinging gates on highways in Dearborn county.

[APPROVED JANUARY 14, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the county commissioners of the county of Dearborn, whenever in their opinion, the public good or interest shall require it, to authorize the erection of swinging gates upon any county or township road in said county.

SEC. 2. Whenever any person shall be authorized, according to to the provisions of the first section of this act, to erect swinging gates across any county or township road, he shall be governed by the provisions of the 29th section of chapter 16th, article 1st, of the Revised Statutes, and shall be subject to all of the penalties prescribed in said section for any violations of the provisions of the same.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCLXXXII.

An Act to incorporate the Lawrenceburgh and Rushville Turnpike Company,

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Callahan, William F. Ferris, Jacob Hager, Jonathan Blasdell, Jeremiah Knowlen, Hugh Scott, William S. Ward, Daniel Chedister, Thomas Leaman, Alfred Posey, Joseph Nickols and Hamilton Miller, and their successors in office, duly elected as hereinafter directed, are hereby constituted a body politic and corporate, and by the name and style of "the President and Directors of the Lawrenceburgh and Rushville Turnpike Company;" shall be able and capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, in any and all courts whatsoever; to make and use a common seal, to make contracts, and enforce the necessary by-laws, rules and regulations to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

SEC. 2. The capital stock of said corporation shall be one hundred and twenty-five thousand dollars, divided into shares of ten dollars each, with power to increase the capital stock if necessary to accomplish the object herein contemplated.

SEC. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree on, and organize said corporation by electing one of their body president; and after such organization, any four of said board shall be a quorum to transact business.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists and all other persons and officers necessary to carry into effect this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws and regulations, and all orders for the payment of such allowances as may be made to their officers and all others in their employment, which journal and proceedings shall, from time to time, be signed by the president; they may sit on their own adjournments or on the call of the president; when the president is absent they may appoint a president *pro tempore;* they shall fill all vacancies that may occur in their own body.

SEC. 5. The corporation shall cause books to be opened for subscriptions for the capital stock, at such times and at such places as they may choose, due notice of which shall be given in the public newspapers, printed and published in the counties of Dearborn, Ripley and Rush; in each of which books the following entry shall be made: "We, the undersigned, promise to pay the sum of ten dollars for each share of stock set opposite our names, in such manner and proportion and at such time as the president and directors of the Lawrenceburgh and Rushville turnpike company may direct. Witness our hands, this —— day of ———."

SEC. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, to subscribe for any amount of the capital stock; and the said corporation may, by agent, offer for sale in any other State, any amount of stock, upon such terms and conditions as may be thought advisable; and they shall have power, on their own credit, to borrow money, upon such terms as may be agreed upon by the parties: the corporation may require such sum of money to be paid at the time of subscribing (not exceeding three dollars on each share) as they may think proper, and any future payment on the stock, shall be under the control of the corporation.

SEC. 7. As soon as fifty shares are subscribed for, and one dollar paid on each share, it shall be the duty of the corporation to give three weeks' notice thereof, in the newspapers printed and published in the said counties of Dearborn, Ripley and Rush, and in such notice appoint a time and place for the stockholders to meet and elect twelve directors, who shall be stockholders and citizens of this State, and which election shall be by ballot and conducted under the superintendence of one inspector and two judges, appointed by the stockholders present, and the person having the highest number of votes shall be declared duly elected: in all elections each share, from one to five, shall entitle the holder to one vote, and every additional five shares, one vote only, to be given by the persons owning the same, or by one of any partners, or by the husband, father, mother, administrator or executor, trustee or guardian, or by the agent of any corporation, and any person who may have a right to vote may vote by proxy.

SEC. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to elect one of their own body to be president; the president and directors thus elected, shall continue in office until the next annual election, and until their successors are elected and qualified.

SEC. 9. All elections after the first, shall be on the first Monday of June, annually, under the direction of the stockholders present, of which election notice shall be given; but should no election be held, on the day appointed by this act, or by the directors of the first election, it shall be lawful to hold the election on any other day.

SEC. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held, they shall be signed by the president and countersigned by the clerk: the stock shall be transferred on the books of the corporation, only personally, or by agent or attorney, or by the administrator, executor, trustee or guardian; but such stock shall be at all times holden by the corporation for any dues from the holders thereof, to the corporation, or for any

sums that may thereafter become due on a contract made prior to such transfer.

SEC. 11. The corporation shall have full power to call for such portions of the stock subscribed as they may think proper, to be paid at such time and place as they may designate, by giving notice in writing, to the stockholders, in which shall be specified the amount demanded on each share, and the time and place of payment; and if any stockholder shall refuse or neglect to pay such requisition, within ten days after the time named for such payment, the corporation may bring suit against such delinquent, for the amount due and called for, in any court of competent jurisdiction, and recover the amount, with interest thereon, at the rate of six per cent. per annum; and if the amount cannot be made on execution, or such delinquent is out of the State, then the corporation may, by order on their books, declare such stock forfeited to the corporation, with whatever amount may be paid thereon; and no such delinquent, before the forfeiture of his stock, shall have the right to vote for directors, or receive any dividend on his, her or their stock, until the corporation is fully satisfied.

SEC. 12. The corporation shall have power, by themselves or agents, to examine, survey, locate and make a turnpike road from Lawrenceburgh, in Dearborn county, to Rushville, in Rush county, but shall not deviate from the route and line of the present State road, surveyed and layed out between those two points, without first obtaining the consent of the owners or occupants of the lands through which any alteration may be directed to be made different to the proposed route.

SEC. 13. And for the purposes of making such examination and location, it shall be lawful for the corporation, by their agents or persons in their employ, to enter upon any lands to make surveys and estimates and for the purpose of searching for stone, gravel, wood, or other material necessary for the construction of said road; but no stone, gravel or other materials shall be taken away from any land, without the consent of the owner thereof, until the amount of compensation therefor shall have been ascertained and paid.

SEC. 14. It shall be lawful for the corporation, either before or after the location of said road, to obtain from any person or persons through whose lands the same may run, a relinquishment of so much of said land as may be necessary for the construction of said road; also, the stone, gravel, timber and other material that may be obtained on said route; and may contract for stone, gravel, timber and other material that may be obtained from any land near thereto; to receive by donation, gifts, grants or bequests, lands, moneys, labor, property, gravel, wood or other materials, for the benefit of said corporation; and all such contracts, relinquishments and donations, gifts, grants or bequests, made and entered into by any person or persons, able in law to contract, made in consideration of such location and for the benefit of the corporation, may and shall have their action at law in any court of competent jurisdiction, to compel a compliance therewith.

SEC. 15. The corporation shall commence the construction of said road within five years from the passage of this act.

SEC. 16. The corporation shall cause said road to be opened not exceeding sixty feet wide, at least sixteen feet of which width shall be an artificial road, composed of clay, stone or gravel well compacted together, in such manner as to secure a firm, substantial and even road, rising in the middle with a gradual curve, and shall maintain and keep the same in good repair.

SEC. 17. So soon as said corporation shall have completed such road, or any five miles thereof, agreeably to the provisions of this act, they may erect a gate or gates at suitable distances apart, not less than five miles, and demand and receive of persons travelling on said road the tolls allowed by this act.

SEC. 18. The following shall be the rate of tolls for each and every ten miles of said road, and in [the] same proportion for a greater or less distance, to-wit: for every four-wheeled carriage, wagon or other vehicle, drawn by one horse or other animal, a sum not exceeding fifteen cents; for every horse and other animal in addition, five cents; for [every] cart, chaise or other two-wheeled carriage or vehicle, drawn by one horse or other animal, not exceeding ten cents; for every horse or other animal in addition, five cents; for every sled or sleigh, drawn by one horse or other animal, five cents; for every horse or other animal in addition, five cents; for every coach, chariot or other four-wheeled pleasure carriage, drawn by one horse or other animal, not exceeding fifteen cents; for every additional horse or other animal, five cents; for every horse and rider, not exceeding ten cents; for every horse, mule or ass, six months old [and] upwards, led or drove, not exceeding three cents; for every head of neat cattle, six months old and upwards, one cent; every hog or sheep a half cent each.

SEC. 19. The company shall put a post of stone at the end of each mile, with the number of miles from each extremity fairly cut or printed thereon; and also, in a conspicuous place near each gate, shall be placed a board with the rates of toll fairly painted thereon, and all the necessary matter in relation to direction.

SEC. 20. It shall be lawful for the county commissioners of Dearborn, Ripley and Rush counties, for and in behalf of their respective counties, to authorize, by an order, as much of the stock to be taken as they may think proper.

SEC. 21. It shall be lawful for the president and select committee of the town of Lawrenceburgh, in their corporate capacity, for and in behalf of the said corporation, to subscribe as much stock as they may think proper, not exceeding forty thousand dollars: if the directors in said company shall contract any debts for labor upon said road, which shall not be paid by the company when due, the

stockholders shall be liable in their individual capacity, for the payment of all such debts: the General Assembly reserves the right to alter or amend this charter, whenever the franchises shall prove oppressive to the community in which they are exercised.

SEC. 22. This act to be in force from and after its passage.

CHAPTER CCLXXXIII.

An act for the relief of the citizens of district number three, in congressional township number twenty-eight north, of range number three east, in Adams township, Cass county.

[APPROVED JANUARY 15, 1846.]

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the trustees of school district number three, in congressional township number twenty-eight north, of range three east, be and they are hereby authorized and required to cause an election to be held, by the qualified electors of said district, on the first Monday in April next, or any subsequent day thereafter, first giving thirty days' notice thereof by posting up written advertisements in six of the most public places in said district, which election shall be held at the house of Richard Furgason in said district, and for the purpose of deciding where, and in what particular place the school house shall be located in said district.

SEC. 2. Said election shall be held and conducted as all other elections in said district are, and it is hereby made the duty of the voters voting at said election, to designate on their ballot the place where they may desire said school house to be located, and the place having the highest number of votes at said election shall be and the same is hereby declared to be the permanent location of said school house.

SEC. 3. This act to take effect and be in force from and after its passage: and it is hereby made the duty of the Secretary of State to forward a certified copy of the same to the clerk of Cass county, instanter.

CHAPTER CCLXXXIV.

An Act for the relief of John B. Coleman and others.

[APPROVED JANUARY 20, 1846.]

WHEREAS, The Daviess circuit court, at the April term thereof for the year 1844, rendered judgment in favor of the State of Indiana on the relation of Alfred Davis, then school commissioner of the said county of Daviess, against John B. Coleman, Thomas B. Graham, and Charles F. Wells, now deceased, as the securities of James Carnahan, late school commissioner of the county aforesaid, (also deceased), for the sum of two thousand one hundred and ninety-nine dollars and thirty-seven cents: AND WHEREAS, By an act of the Legislature of the State of Indiana, approved January 13th, 1845, the aforesaid securities were authorised to mortgage (upon the usual terms) lands to secure their several and respective proportions of said judgment: AND WHEREAS, From the numerous certificates and statements made to this General Assembly by the arbitrators of the cause, the school commissioner, and the county board of Daviess county, that the aforesaid amount of two thousand one hundred and ninety-nine dollars and thirty-seven cents, for which judgment was obtained, was all procured by the rigid application of the rules of the common law, and that the said securities are justly and equitably bound for the sum of five hundred dollars with the legal interest thereon, subsequent to the 1st day of January, 1840, and up to the date of the judgment and no more: AND WHEREAS, Since the above liabilities were incurred by the securities aforesaid, Thomas B. Graham, one of the securities aforesaid, has purchased the county seminary of the said county of Daviess, which was sold at sheriff's sale, for about one tenth of its value, or actual cost of the building, with a view to save himself from this liability: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all of said judgment against said securities, rendered as aforesaid, except the sum of five hundred dollars, including the interest from the first day of January, A. D. 1840, up to the rendition of the judgment aforesaid, shall be and the same is hereby remitted, upon the conditions contained in the following sections of this act.

SEC. 2. The said Thomas B. Graham, one of the securities aforesaid, shall execute a good and sufficient deed in fee simple, free from dower and all other incumbrances, to the county of Daviess to all the lands and appurtenances, which he now has in possession, which did belong to the county seminary of the county of Daviess, and

when such deed is executed as aforesaid, and tendered to the county board of said county or to the auditor of said county, it shall be the duty of said board, and they are hereby directed, to order to be paid out of the county treasury to the said Thomas B. Graham, the amount of money the said seminary and lands sold for at the sheriff's sale aforesaid, together with such other amount of moneys as he, the said Graham, may have expended on the seminary building in its completion or in permanent improvements on the same calculated for the use of such building as a seminary and no other; and if said deed be tendered to the auditor as aforesaid, it shall be his duty to convene the board immediately, which when so convened, shall act as above provided; and in order to ascertain the several amounts due the said Graham, the county board is hereby authorized to employ a qualified and discreet person to ascertain the same by a fair valuation, and before he shall perform such duty, he shall be sworn to faithfully and impartially perform said trust.

Sec. 3. The county treasurer of the county of Daviess is hereby authorized and directed to pay such order, and also to collect from the seminary trustees, or any other person or persons who may have any of the seminary funds in their hands, the amount of money so paid out of the county treasury, and all persons, whether trustees as aforesaid or otherwise, shall pay over such moneys to said treasurer, whose receipt therefor shall be a good and sufficient voucher to them for the amount so paid, and if said persons refuse to pay the same, the said treasurer may proceed to collect it by suit in any court of competent jurisdiction.

Sec. 4. As soon as the deed aforesaid shall be executed and delivered as aforesaid, by the said Thomas B. Graham, a credit shall be entered on the judgment rendered against the said securities as aforesaid, for such amount as shall be over and above the five hundred dollars and interest as specified in the first section of this act, together with such interest as said securities may have paid upon said amount so remitted as aforesaid.

Sec. 5. The interest on the money that has and may accrue, (paid by Thomas B. Graham for said seminary and lands, as well as that which has been expended upon the building), shall be cancelled and taken as paid by the use and occupation of said building and land by said Graham.

Sec. 6. The property, both personal and real, of John B. Coleman shall be exempt from any execution that may be issued upon the judgment against said securities until the provisions of this act be complied with, after which, each security may secure his respective proportion of said judgment left and remaining unpaid in the manner as provided in the act heretofore referred to, approved January 13th, 1845.

Sec. 7. This act to be taken and construed as a general act, and shall be in force from and after its being filed in the office of the county auditor of the county of Daviess.

CHAPTER CCLXXXV.

An Act for the relief of certain purchasers of school lands in Lost Creek township, Vigo county.

[APPROVED JANUARY 19, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the purchasers or their assignees, of any school lands heretofore sold at public sale, in the township of Lost Creek, in the county of Vigo, who have suffered the same to be forfeited in consequence of the non-payment of the instalments due thereon, may, at any time within six months after the passage of this act, re-enter said lands, or any one or more lots or parcels thereof, as they may deem fit.

Sec. 2. It shall be, and hereby is made the duty of the proper officers of said township, to suffer said lands, or any lot or lots thereof as aforesaid, to be re-entered by such original purchasers or their assignees, at the appraised value thereof, as originally estimated and appraised by the trustees of said township at the time of the sale of said lands.

Sec. 3. Whenever any lot or lots of said lands shall be re-entered under the provisions of this act, the original purchasers or their assignees, shall be entitled to apply the original purchase money which has been paid therefor, together with ten per cent. paid as forfeit money (if any such were paid,) on the same lot or lots of said lands on which such purchase money was paid at the sale thereof, and on which such forfeiture accrued: *Provided*, That nothing herein contained shall be so construed as to authorize any purchaser or assignee to transfer the purchase money or ten per cent. forfeiture, from the lot on which the same was paid to any other lot.

Sec. 4. Whenever any purchaser or assignee as aforesaid, shall re-enter any lot or lots of said land under the provisions of this act, the same, from the date of such re-entry, shall be in all things, subject to all the conditions of the law now in force regulating and directing the sale of township school lands.

Sec. 5. The provisions of this act shall also extend to all persons or their assignees, who purchased lands at said township sale, for a larger sum than the appraised value thereof, although the same may not have been forfeited: *Provided, however*, That such persons or their assignees shall, within six months after the passage of this act, make selection with the proper officers of said township, of such lot or lots as they may desire to retain.

Sec. 7. This act to take effect and be in force from and after its passage and publication in any newspaper of general circulation in the county of Vigo aforesaid.

CHAPTER CCLXXXVI.

An Act for the relief of certain purchasers of school lands in Vanderburgh county, therein named.

[APPROVED DECEMBER 30, 1845.]

WHEREAS, By the Vanderburgh circuit court, the southeast quarter of section number thirty-three, in township number six south, of range number ten west, in the district of lands subject to sale at the land office at Vincennes, was declared and adjudged to be vested in the State of Indiana, according to the provisions of an act entitled "An act in furtherance of an [act] to provide a fund to encourage common schools," approved February 2, 1835, approved February 7, 1835: AND WHEREAS, Afterwards, the school commissioner of Vanderburgh county sold the said tract of land in parcels, according to the provisions of the said act: AND WHEREAS, Lewis W. Stinson, James and Thomas Scantlin and A. B. Carpenter & Co., severally purchased parts of said tract of land at the sale thereof made by the said school commissioner, and paid therefor at the time of purchasing the same, one fourth of the purchase money, and afterwards at different times paid several sums of money as interest upon the residue of said purchase money: AND WHEREAS, The said land, as well as the rents and profits thereof, has been recovered by the original proprietor thereof by the judgment of the aforesaid court, by means whereof the consideration for which the said purchase money and interest were paid has wholly failed: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the school commissioner of Vanderburgh county shall, upon the presentation to him of the warrants of the auditor of said county, to be drawn by said auditor on him for the same, pay to the said Lewis W. Stinson, James and Thomas Scantlin, and A. B. Carpenter and Co., respectively, the whole amount of money paid by them respectively as aforesaid, both as purchase money and interest thereon: *Provided*, That no interest shall be paid to them upon the purchase money or interest paid by them as aforesaid.

SEC. 2. The said school commissioners shall also upon a like warrant to be drawn for the same as aforesaid, pay to William Carpenter the whole amount of the money heretofore paid by Alvin B. Carpenter and Willard Carpenter as the purchase money of one-half of lot number two hundred and ten, in the donation enlargement of Evansville, and also all interest by them paid on any and all instalments of said purchase money: *Provided*, That no interest shall be paid or allowed upon the purchase money or interest paid by said Alvin and Willard as aforesaid.

SEC. 3. That the money to be paid by the said school commissioner as aforesaid shall be paid out of any moneys in his hands belonging to the common school fund of Vanderburgh county.

SEC. 4. This act shall be in force from and after its passage.

CHAPTER CCLXXXVII.

An Act providing for the erection of a road bridge on the Wabash and Erie canal.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the officer having charge of the Wabash and Erie canal east of Tippecanoe, to cause a road bridge to be erected across said canal at that point on the same where the State road from Delphi to Monticello by way of Carleton crosses said canal: *Provided*, That this act shall have no effect whatever till the citizens of Carroll county shall place one half the estimated cost of said bridge in the hands of the officer having charge of said canal, or securing it to the satisfaction of the contractor or contractors for building the same.

SEC. 2. The officer having charge of said canal shall give notice in some newspaper printed in the town of Delphi, that he will receive proposals for erecting said bridges, according to the specifications to be furnished by said officer; said notice shall be published for three weeks successively, and the letting shall be made by the first Monday of April next.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER CCLXXXVIII.

An Act for the relief of Benjamin Powell and the heirs of Harrison Barnett, deceased.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the township trustees of township twenty-eight north, of range two, in the county of Cass in said State, to select from such part of the school section in said township

as was purchased by Benjamin Powell and Harrison Barnett, an amount of land that shall be in fair proportion with the sum or sums of money heretofore paid by the said Powell and Barnett, upon such land.

SEC. 2. That it shall be the duty of the said trustees after making such selection as aforesaid, to report the same to the auditor of said county; and it is hereby made the duty of said auditor to make a deed to said Benjamin Powell and the heirs of said Barnett, deceased, for such amount of land as may have been selected as aforesaid, and also to release the said Powell and the estate of said Barnett from all liability for the balance of the tract heretofore purchased by said Powell and said Barnett, deceased: *Provided*, That said Powell and the heirs of said Barnett shall pay all the expenses attending the transfer and selection aforesaid.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCLXXXIX.

An Act to incorporate the Hoosier Band of Greenfield.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That P. T. C. Foy, J. P. Meek, J. D. Furgers, S. M. Milroy, C. H. Burt, R. E. Barnett, P. H. Brahan, F. H. Crawford, W. W. Pierson, J. T. Stephens, F. Meek, E. Pierson, and their associates and successors be and they are hereby constituted and declared to be a body politic, by the name and style of the "Greenfield Hoosier Band," with perpetual succession, and with full power to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto in law and equity, and in all courts of legal proceedings whatever, to make and use a common seal, and the same to alter or renew at pleasure.

SEC. 2. Said Greenfield Hoosier Band is hereby authorized to adopt a constitution, to make, establish, and enforce such by-laws, rules, and ordinances under said constitution as they may deem proper, not inconsistent with the constitution and laws of the United States and of this State.

SEC. 3. Said board may make and appoint all officers necessary for the management and direction of the association, may regulate the manner of appointing or selecting such officers, together with their time of service, and make such rules and regulations for the reception and expulsion of members as they may think necessary.

SEC. 4. Said corporation may receive donations in money, property, musical instruments, or books, and may hold and devote the same to the purpose of the band; they may make a capital fund, not exceeding one thousand dollars, in shares of fifty dollars each, to be taken and held by the members of the association to the procuring of musical instruments, books, and instruction, or any kind of property necessary for their convenience in accomplishing the object of their association, and may convey or sell any or all such property, and divide the proceeds among themselves according to the proportion of their stock.

SEC. 5. This act to be in force from and after its passage.

CHAPTER CCXC.

An Act to amend an act entitled "An act to compel speculators to pay a road tax equal to that paid by actual settlers," approved January 31st, 1842.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That one dollar where it occurs in the first proviso in the first section of the above recited act be stricken out, and fifty cents be inserted in lieu thereof, so far as the county of Wells is concerned.

SEC. 2. All laws and parts of laws coming within the purview of this act be and the same are hereby repealed.

SEC. 3. This act to [take] effect and be in force from and after its passage.

CHAPTER CCXCI.

An Act for the relief of Elizabeth Preston.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bonds of matrimony heretofore existing between Elizabeth Preston and Roscoe E. Preston be and the same are hereby dissolved.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXCII.

An Act to amend an act incorporating the City of New Albany, approved February 14th, 1839.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the marshal and collector in and for the city of New Albany shall be elected by the qualified voters of said city. All laws and parts of laws coming within the purview of this act be and the same is [are] hereby repealed.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXCIII.

An Act for the relief of Susan Wherley of Hamilton county.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bonds of matrimony heretofore existing between Susan Wherley and Napoleon B. Wherley of the county of Hamilton and State of Indiana, are hereby dissolved.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXCIV.

An Act to locate a State Road in the counties of Miami and Madison.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Samuel Gass and John Bush, of the county of Miami, and Wright Smith, of the county of Madison, be and they are hereby appointed commissioners to view, locate, and mark a State road as follows, to-wit: Beginning at the south end of the Wabash bridge, at Peru, in the county of Miami, thence on the nearest and best

ground, by way of Fennimore and Bush's mills, on Big Pipe creek, to Alexandria, in Madison county: *Provided*, That said commissioners, in viewing and locating said road, shall not locate the same angling across any person or persons' land, where objections are made by the owners thereof.

SEC. 2. The said commissioners shall meet in the town of Peru on the first Monday in May next, or any subsequent day thereafter, that they may agree upon, and proceed to take an oath before some person authorized to administer the same, for the faithful discharge of their duties as such commissioners to view and locate said road as aforesaid.

SEC. 3. The said commissioners shall, within twenty days after the location of said road, file a report of the same in the auditor's office in each of the counties of Miami, Richardville, Tipton, and Madison; and the said auditors shall lay the same before the boards doing county business, at their first term thereafter; and it shall be the duty of said boards to order so much of the said road as lies within their respective counties to be opened any width not exceeding fifty feet, and made agreeable to and under the provisions of an act for opening and repairing public roads and highways.

SEC. 4. That the boards doing county business in Miami, Richardville, Tipton, and Madison shall make such allowances to said commissioners for their services as they shall deem just and reasonable.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER CCXCV.

An Act to amend an act entitled, "an act to incorporate the Michigan Road Company South of Indianapolis."

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the names of James B. Foley and John Smalley, of Decatur county; James M. Worland, Jonathan Thompson, and Wm. H. Sleeth, of Shelby county, be and the same are hereby substituted in place of Robert Hankins, of Shelby county, and John Johnson, Hiram Bacon, and Thomas Johnson, of Marion county, in the first section of the act to which this is amendatory.

SEC. 2. That the second section of said act be so amended as to require the capital stock of said company to be one hundred thousand dollars, divided into shares of ten dollars each.

SEC. 3. That the third section of said act be so amended as to limit said corporation to the making of a McAdamized turnpike road.

SEC. 4. That the sixth section of said act be so amended as to require the subscription books to read as follows: "We, the undersigned, promise to pay ten dollars for each and every share of stock set opposite our names, and in such proportions and at such times as the president and directors of the Michigan Road Company South of Indianapolis may direct"; and that the twelfth section of said act be so amended as to read ten dollars instead of twenty-five dollars; and that the ninth section be so amended as to read one dollar instead of five dollars; and that the said twelfth section be further amended so as to authorize said corporation to call for not exceeding ten dollars on each share in any one year, instead of twenty-five dollars.

SEC. 5. That the thirteenth section of said act be so amended as to substitute Shelbyville, in Shelby county, instead of the city of Indianapolis.

SEC. 6. That the twentieth section of said act be so amended as to require said corporation to throw up into a curve and McAdamize only sixteen feet instead of twenty feet, as required in said act.

SEC. 7. That the twenty-eighth section of said act be so amended as to read as follows: "This act to be in force from and after its passage, and shall be taken to be a public act, and shall be favorably construed for all beneficent purposes, and that the stockholders shall be individually liable for all debts contracted in their corporate capacity over and above the stock subscribed.

SEC. 8. That it shall be lawful for the boards doing county business in the counties of Shelby and Ripley to subscribe for any amount of stock that may be necessary to complete said road, which stock, when so subscribed, shall be governed in all respects as stock subscribed by individuals.

SEC. 9. This act to be in force from and after its passage.

CHAPTER CCXCVI.

An Act for the relief of Eliza Ann Storm, of the county of Marion.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bonds of matrimony existing between Joseph Storm and Eliza Ann Storm, be and the same is [are] hereby dissolved; and that the name of the said Eliza Ann Storm shall hereafter be Eliza Ann Bray.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCXCVII.

An Act for the relief of the heirs of Henry Stephenson, deceased, late of Boone county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the commissioners of the sinking fund be and they are hereby directed to release from the operation of a mortgage executed by one George Walker to said fund, the following tract or parcel of land included in said mortgage, to-wit: five acres of land sold and conveyed by said George Walker to Henry Stephenson in his life time, being part of the east half of the southwest and the west half of the southeast quarter of section eleven in township eighteen north, of range two east, in Boone county, containing one hundred and sixty acres; and that said release shall operate as an extinguishment of all right and title of the State in and to said five acres: *Provided, however*, That the person or persons who have purchased said tract of land from the State, or the present owners thereof, shall first release to the legal representatives of said Stephenson all right and title in and to said five acres, and shall release the State from all liability to convey said five acres to him or them upon payment being made in full on their purchase of said mortgaged lands.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCXCVIII.

An Act for the payment of Mary Wood and others of damages recovered by them against the State for injury to their lands by the construction of the Jeffersonville and Crawfordsville Road.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That there be and is hereby appropriated the sum of one thousand three hundred and twenty-nine dollars to the payment and satisfaction in full of a judgment, interest, and costs against said State in the Clark circuit court, in favor of Mary Wood, John M. Wood, George Wood, Polly McKinly, and James McKinly, her husband, Sally Ann Wood, Margaret Wood, and Mary E. Porter, recovered on the 29th day of May, A. D., 1841, being for damages sustained by them by the construction of the Jeffersonville and

Crawfordsville road on and across the north-east and north-west quarters of section two, in township one south, of range five east, and fractional section eight, in the same township and range, in the county of Clark.

SEC. 2. That there be and is hereby appropriated the sum of five hundred and ninety-six dollars and eighty-three cents to the payment and satisfaction in full of a judgment, interest, and costs against said State, in said circuit court, in favor of William Packwood, rendered on the same day for damages sustained by him by the construction of said road on and across the south-west quarter of section thirty-three, in township one south, of range five east, in said county.

SEC. 3. That there be and is hereby appropriated the sum of three hundred and twelve dollars and eighty-two cents for the payment and satisfaction in full of a judgment, interest, and costs in the same court, against said State, rendered on the same day, in favor of Samuel Hallett, being for damages sustained by him by the construction of said road on and across the south-east quarter of section six, in township one south, of range six east, in said county.

SEC. 4. That said several judgments shall be entered satisfied on the proper books of said circuit court by the clerk, and the several sums hereby appropriated shall be paid by the Treasurer of State on the warrant of the Auditor of Public Accounts out of any moneys in the Treasury, not otherwise appropriated.

SEC. 5. This act to be in force from and after its passage.

CHAPTER CCXCIX.

An Act for the relief of James Kitchen.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the banns of matrimony heretofore and now existing between James Kitchen of Marion county and Mary Kitchen of Rush county and State of Indiana be and the same are hereby dissolved.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCC.

An Act for the relief of Mary Ann Banks.

[APPROVED JANUARY 19, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Mary Ann Banks be and she is hereby absolved and released from the banns of matrimony heretofore existing between her and Henry Banks.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCI.

An Act to divorce Peter Johnson and Mary Johnson.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bonds of matrimony heretofore existing between Peter Johnson of Wayne county and Mary Johnson of Hancock county be and the same are hereby dissolved.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCCII.

An Act to abolish the necessity of special legislation in the counties of Adams and Jay.

[APPROVED JANUARY 19, 1846.]

WHEREAS, Several petitions and remonstrances have been presented to this legislature for and against the application of a certain amount of road tax to be applied to the Portland, New Corydon, and other State roads in the counties of Adams and Jay: AND WHEREAS, This legislature has no certain criterion by which it can determine as to the utility of said appropriation: AND WHEREAS, It is believed that the county boards are the proper tribunal to settle and determine these questions: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter it shall be lawful for the boards doing county business in the counties of Adams and Jay to direct that any amount of road tax (not exceeding two miles in width on each side of any State, county, or free turnpike road in said counties) shall be expended on such roads: *Provided however*, That said appropriations shall in no case be made unless a majority of the tax payers who reside in said road district shall sign a petition praying for said appropriation.

SEC. 2. That the boards doing county business in the said counties of Adams and Jay be and they are hereby further empowered to reduce the per diem allowance for labor done on said roads in said counties to any sum not less than fifty cents per day, when they think the public good requires such reduction: *Provided however*, Such per diem allowance shall be uniform throughout the county.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCCIII.

An Act to relocate a portion of the State road leading from Greenfield, Hancock county, to Lebanon, Boone county, Indiana.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That a portion of the State road leading from Greenfield, Hancock county, to Lebanon, Boone county, Indiana, be, and the same is hereby changed and relocated as follows:

SEC. 2. Beginning at the first mile stake of said road, west of Allisonville, Marion county, thence to Jackson's ford on White river, thence to intersect the aforesaid road by way of Ephraim Bowen's.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCCIV.

An Act for the collection of road tax in the county of Hamilton.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all persons subject to the payment of a road tax on real property, in the county of Hamilton, shall be required to work out said tax in the several road districts in said county in which said real property may be situated, and in default thereof they shall be required to pay the said tax in the same manner as now required by law, to be expended in the road district in which said real property is situated.

SEC. 2. This act to be in force and take effect from and after its passage.

CHAPTER CCCV.

An Act to provide for the location of a State road in Dekalb and Allen counties.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State Indiana*, That John Gregg, George Monroe, and Russel Reed, of Dekalb county, are hereby appointed commissioners to view, mark and locate a State road commencing at the quarter stake and northeast corner of John Gregg's field, in Butler township, Dekalb county, thence south on the township road or as near thereto as practicable, to the southeast corner of Russell Reed's farm, thence in a southerly direction until it intersects the Lima State road at or near the north end of Week's bridge, in Allen county.

SEC. 2. Said commissioners shall meet at the dwelling house of John Gregg at such time as they or a majority of them may agree upon, on or before the first day of June next, and after taking an oath or affirmation before some person authorized to administer the same, faithfully to discharge the duties of commissioners as aforesaid, shall proceed to view, mark and locate said road, and make report of the same to the board doing county business in the counties of Dekalb and Allen, at their next meeting thereafter.

SEC. 3. It shall be the duty of said county boards to order the same to be entered upon the proper records of said county, and to have such other proceedings thereon as required by the laws now

in force relative to opening and repairing public roads and highways.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CCCVI.

An Act to amend an act entitled "An act to establish a free turnpike road in Jay county," approved January 13, 1845.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Iudiana*, That the qualified voters of each township through which the above mentioned road passes, shall at the next annual election in April, and annually thereafter at the April election, elect one qualified citizen of each of said townships as free turnpike supervisor.

SEC. 2. Said free turnpike supervisor so elected, shall before entering upon the duties of his office take and subscribe an oath or affirmation, give bond, &c., as other supervisors are now required by law to do.

SEC. 3. Said supervisors shall have all the rights, powers and privileges which the commissioners appointed under the act to which this is an amendment had or have; also, the supervisor shall be subject to the same laws, rules, regulations and penalties to which said commissioners or other supervisors are subject, and shall in every respect be the successor to said commissioners.

SEC. 4. The free turnpike supervisors elected under the provisions of this act shall be allowed the same compensation per day that is allowed to other supervisors in the county of Jay.

SEC. 5. All laws coming within the purview of this act be and the same are hereby repealed.

SEC. 6. This act to take effect and be in force from and after its publication; and the Secretary of State is hereby directed to forward a copy of this act to the clerk of the circuit court of Jay county.

CHAPTER CCCVII.

An Act for the relief of Lucinda Sparks of Floyd county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Lucinda Sparks may file her petition for a divorce in the Floyd circuit court, against her husband, Wesley Sparks, and if after giving sixty days' notice of the pendency of said petition by service or by publication, in a newspaper of general circulation printed and published in the city of New Albany, said Wesley shall fail to plead, answer or demur to said petition on the calling of said cause, such default shall have the same effect as a default in other suits in chancery, and the matters and things therein contained shall be taken as confessed and a decree rendered accordingly.

SEC. 2. It shall not be the duty of the Prosecuting Attorney to appear and oppose the granting of said divorce, and no answer to said petition shall be filed unless the same is under oath.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCCVIII.

An Act to authorize the levying of a road tax in the county of Franklin.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board doing county business in the county of Franklin are hereby authorized to levy a road tax on all personal property herein specified; on all improvements on real estate; all personal property; all stock in bank or any other corporation. And in the assessment of such road tax the county board shall levy the same amount of road tax on each one hundred dollars as is levied on each one hundred dollars on real estate.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCIX.

An Act to authorize the county commissioners of Carroll county to make a certain appropriation therein named.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the commissioners of Carroll county be and they are hereby authorized, if, after examining all the premises relating to the contract made with John S. Thomas and the commissioners of said county for building the fire-proof office in said county, they think that it is expedient to appropriate any amount of money not exceeding four hundred dollars to said John S. Thomas, out of any money in the treasury of said county not otherwise appropriated.

SEC. 2. This act shall not be so construed as to compel said commissioners to make said appropriation except they think that it is expedient.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCCX.

An Act to extend the time of holding commissioners' court in the counties of Hamilton and Laporte.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the time of holding commissioners' court in the counties of Hamilton and Laporte be changed so as to extend the time in the months of March and June to six days in each term.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCXI.

An Act for the relief of Thomas Daniels and William Daniels, executors of James Daniels, deceased.

[APPROVED JANUARY 19, 1846.]

WHEREAS, James Daniels, late of the county of Allen, and State of Indiana, deceased, in his life time by his last will and testament appointed Thomas Daniels and William Daniels executors of his last will and testament, and that the said Thomas and William accepted of said trust, but before the said estate was finally settled, and after they had paid out large sums of money to the creditors of the said testator, that all their receipts, papers and vouchers, as well as claims in favor of said testator were left in the care of John W. Dawson, Esq., an attorney at law, by them employed to settle and assist them in settling said estate: AND WHEREAS, ALSO, The office of the said John W. Dawson, containing all such papers and vouchers, &c., was, on the night of —— day of August, A. D. 1845, consumed by fire, and all of which receipts, papers, vouchers, &c. were burned in said office at the time aforesaid:

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the purpose of perpetuating the testimony of the loss of said receipts, vouchers and other claims in favor of the said estate and in favor of the said executors, John B. Dubois, of the county aforesaid, be and hereby is appointed a commissioner to receive evidence of and concerning all receipts, vouchers, or other payments made by said executors on behalf of said estate, and also of all claims in favor of said estate, and also all claims against said estate, and all payments made to such executors.

SEC. 2. The commissioner aforesaid, previous to his entering on his discharge of duties as such commissioner, shall take an oath before some person duly authorized by law to administer oaths, faithfully and impartially to discharge his duty according to the provisions of this act.

SEC. 3. The said commissioner shall, before proceeding to discharge his duty as such, give at least three weeks notice by a publication in the Fort Wayne Times and People's Press, also, in the Fort Wayne Sentinel, two newspapers published in the city of Fort Wayne, in the county aforesaid.

SEC. 4. The said commissioner shall proceed to business in pursuance of the aforesaid notice, and may adjourn from day to day as long as it may be necessary for the performance of his duties, and he is hereby vested with all the authority necessary to carry into effect the intention of this act, to punish contempt during the trans-

action of business, to administer oaths, issue subpœnas, and compel the attendance of witnesses under the same penalties that they are compelled to attend where subpœnas are issued from a justice of the peace; and said commissioner shall make and file in [the] office of the clerk of the Allen circuit court a transcript of all his proceedings in said cases, and that said commissioner shall be allowed the sum of two dollars and fifty cents per day for all the time that he is necessarily engaged in settling and adjudicating said claims, to be paid by said executors.

SEC. 5. That from all judgments or decrees given by said commissioner, that any party aggrieved thereby shall have the right of appealing from the same to the probate court of said county, and such appeals shall in all things be governed by the laws regulating appeals from the judgments of justices of the peace to the circuit court.

CHAPTER CCCXII.

An Act amendatory of an act entitled, "An act incorporating the town of South Bend, St. Joseph county, Indiana," approved January 15, 1844, and for other purposes.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the following amendments to said charter be made:

First. The board of trustees shall appoint the assessor in the month of March.

Second. He shall make his return on or before the third Monday of April.

Third. The board of trustees shall appoint a collector in the month of April.

Fourth. The duplicate shall be made out by the clerk of the board, and delivered to the collector on or before May tenth.

Fifth. The notices required by section twenty shall read, "until the first Saturday in June."

Sixth. The privilege of distraining given to the collector shall extend from the last-mentioned day till the last Saturday of June.

Seventh. By the first Saturday of July the collector shall pay over all moneys collected by him, to the treasurer, and shall file his list of delinquencies with the county auditor, who shall enter the same on the county tax duplicate.

Eighth. Said taxes, if not paid, shall be by the county treasurer returned delinquent the same as State, county, school, and road

delinquent taxes are, and they shall be proceeded with by the auditor in like manner as other delinquent property, and the net proceeds thereof paid at the time of annual settlement to the board of trustees, or to their order.

Ninth. The expenses of collecting said delinquent corporation tax shall be paid out of the proceeds thereof, so that it shall not be a charge on the county treasury.

SEC. 2. All laws or parts of laws contravening any of the provisions of this act, are hereby repealed.

SEC. 3. This act shall be in force from and after its publication in some newspaper of general circulation published at South Bend, at the expense of the corporation; and it is hereby made the duty of the Secretary of State to forward a certified copy hereof to Charles M. Heaton, clerk of the board of trustees of South Bend, for that purpose.

SEC. 4. The amendatory provisions herein, or so much as may be needed to make the change contemplated by these provisions, may be applied to the charter of the village of St. Joseph Iron Works, or Mishawaka, in said county, and be legalized as amendments thereto, on the following conditions:

First. They must be adopted by the board of trustees of said village:

Second. Written notices of such adoption must be posted up in five of the most public places in said village:

Third. The newspaper publication, as provided in the third section, must be made, accompanied with a certificate of the adoption hereof by said board.

CHAPTER CCCXIII.

An Act to authorize Samuel J. Hege to construct a mill dam across the Tippecanoe River.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Samuel J. Hege, of the county of Fulton, be and he is hereby authorized to construct a mill dam across the Tippecanoe river, for the purpose of propelling a saw and grist mill, and other hydraulic machinery, on his own land, either on section twelve or one, in township thirty-one north, of range three east, in the county of Fulton, Indiana: said dam is not to exceed five feet in height.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCXIV.

An Act supplementary to an act entitled, "an act to incorporate the South Bend Manufacturing Company," approved December 28, 1842.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the directors of the South Bend Manufacturing Company be and they are hereby authorized to close the books for the subscription of stock in said company, and hereafter, when deemed necessary for the interests of said company, may re-open the same from time to time, for additional subscriptions of stock, upon giving thirty days' notice in some public newspaper printed at South Bend, of said re-opening.

SEC. 2. The said directors shall have power to lay and collect a tax upon the stock owned in said company, for the purposes of repairs and improvements of the dam, race, or lock, whenever the same may, in their opinion, become necessary.

SEC. 3. Any stockholder neglecting or refusing to pay the tax so laid upon his stock, shall forfeit his right to the same, and the directors may thereupon, after twenty days' notice, expose to public sale so much of said stock as will be necessary to pay said tax.

SEC. 4. So much of the act to which this is supplementary as is in conflict with the provisions of this act is hereby repealed.

SEC. 5. This act to be in force from and after its publication in the St. Joseph Valley Register, at South Bend, at the expense of the corporation: and it is hereby made the duty of the Secretary of State forthwith to forward a copy thereof, certified, to the publishers of said paper.

CHAPTER CCCXV.

An Act to vacate part of the town of Independence.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the town of Independence, situated on the line between the counties of Laporte and St. Joseph, as is situated on the south west quarter of the south west quarter of section twenty-seven, and the south east quarter of the south east quarter of section twenty-eight, town thirty-seven north, of range one west, be and the same is hereby vacated.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCCXVI.

An Act to legalize the judicial acts of John F. Merrill, late a justice of the peace in Huntington county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the acts and proceedings of John F. Merrill, late a justice of the peace of Huntington county, in the judgments and proceedings had before him, between the 29th day of May, 1837, and [the] 11th day of May, 1840, be and the same are hereby legalized and confirmed, and the said judgments shall be as binding and have the same force and effect as if the same had been signed by the said Merrill as such justice.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCXVII.

An Act relative to the fees of [the] auditor of Monroe county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the act approved February 13th, 1843, as relates to the auditor of Monroe county, be and the same is hereby repealed, and that said officer shall receive for his services the same compensation as is allowed to other auditors by the general act prescribing the duties of auditors, approved February 12th, 1841.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCXVIII.

An Act to incorporate the Philomathean Society of Indiana University.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That R. B. Abbott, J. M. Barrett, John O. Bullock, Jonathan Clark, Joseph Cox, Jesse Cox, David Dickerson, James H. Bates, C. F. Dodds, James M. Evans, E. L. Floyd, W. E. French, T. B. Graham, C. C. Graham, Absalom Ketcham, Samuel N. D. Martin, Ovid Oakes, Rufus R. Roberts, W. G. Roberts, O. W. Stanton, J. W. Taylor, J. C. Thornton, H. H. Trimble, Homer Wheeler, C. Williams, Joseph Winsor, James Woodward, W. T. Wiley, D. F. Armstrong, S. D. Bayless, J. Stillings, J. Hopewell, and others, their associates, and their successors, be and they are hereby constituted a body corporate and politic, with perpetual succession, by the name of the Philomathean Society of the Indiana University, and by said name may contract and be contracted with, sue and be sued, plead and be impleaded in all courts of competent jurisdiction, and may have a common seal.

SEC. 2. That said society shall have power to form a constitution and by-laws for its government, for the regulation of its fiscal concerns, the admission and expulsion of members, the appointment of officers, and all other things necessary for the proper and efficient management of its affairs.

SEC. 3. That said society, shall be capable of acquiring and holding property, real, personal or mixed, by gift, grant, or devise, and may sell, convey and dispose of the same at pleasure: *Provided*, That no part of the stock or property of said society shall be used for any other than literary, educational and scientific purposes, and to defray the necessary expenses of the society.

SEC. 4. This act to be in full force and effect from and after its passage.

CHAPTER CCCXIX.

An Act declaring a road therein named a State road.

[APPPOVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county road leading from Lebanon, in Boone county, to Danville, in Hendricks county, shall be and is hereby declared a State road, so far as from Lebanon to where it intersects the Indianapolis and Crawfordsville road, in Hendricks county.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCCXX.

An Act to locate a State road in the counties of Bartholomew, Decatur and Jennings.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Isaac Rogers of Bartholomew county, and Adam Petery of Decatur county, and E. Lewis of Jennings county be and they are hereby appointed commissioners to view, mark and lay out a State road between the following points, viz: beginning at the top of Clifty Hill in the county of Bartholomew, on the east side of Clifty river, in said county, and at the Madison and Indianapolis State road, on top of said hill, thence on and near the county road beginning at the same point until said county road strikes the township line on a southeasterly course, thence east on said township line to the road known as the Nelson road, thence on said road to Little Sand Creek, thence up said creek to the aforesaid township line, thence on said county road to Westport, in Decatur county, thence to the road known as the Brownstown and Napoleon State road, at or near the forks of the road known as the Westport and Brownstown road as aforesaid, in Jennings county.

SEC. 2. The commissioners aforesaid shall meet, or a majority of them, in the town of Columbus, on the first Monday in June next, or at such other time as may be convenient, and after taking the usual oath in such cases, proceed to view, mark and locate said road.

SEC. 3. And when the commissioners shall have discharged the duties required by this act, they shall report the same to the boards doing county business in their respective counties, who shall allow said commissioners a reasonable compensation for their services, in proportion to the length of said road in the respective counties of Bartholomew, Decatur and Jennings; the said boards shall order the report of the commissioners of said road to be recorded in the books kept for that purpose, and for the recording of their proceedings, and after recording the same as a State road shall cause the same to be opened and kept in repair as other State roads are in said counties.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CCCXXI.

An Act to define the lines of certain school districts in Clay county.

[APPROVED JANUARY 19, 1846.]

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Eel river, in Clay county, shall hereafter be known, designated and declared the true and permanent line dividing school districts number one and number two, in congressional township number twelve north, of number five west.

SEC. 2. The trustees of [the] township aforesaid shall, immediately after the passage of this act, make a record in the books of said township declaring the river as the line agreeable to the first section.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCCXXII.

An Act for the relief of the heirs of the late Captain Richard McCarty.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any lands which may have been granted to the administrator, heirs, legal representatives or descendants of the late Captain Richard McCarty, in consideration of his, the said McCarty's revolutionary services, shall not escheat to the State of Indiana, in consequence of such heirs or descendants being aliens.

SEC. 2. This act to be in force and take effect from and after its passage.

CHAPTER CCCXXIII.

An Act giving certain powers and authority to the Frankfort Road Commissioners in Carroll county.

[APPROVED JANUARY 19, 1846.]

WHEREAS, The citizens of Carroll county have subscribed several hundred dollars for the purpose of improving the State road from Delphi to Frankfort within the limits of said county: AND WHEREAS, The subscribers to said fund have elected Reed Case, Joshua Simpson, and Solomon Glaze commissioners to superintend the said improvement: AND WHEREAS, It is necessary to give said commissioners legal power to act in the premises: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said commissioners and their successors are hereby invested with all the powers and authority upon said road, and in the application of the said fund to the improvement thereof, and in the taking and use of proper materials for that purpose, which by law belong to supervisors; and that the said commissioners and their successors shall have full power and authority to place under contract the improvement of said road, and to remove all obstructions in the same, and to do all other acts and things necessary to be done as such commissioners.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER CCCXXIV.

An Act for the relief of E. J. Peck.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Auditor of State be and he is hereby authorized to appoint a competent surveyor to survey and ascertain whether or not the State of Indiana has a right to out lot number seventeen of the donation west of White river, and what number of acres in said lot the State has no title to; and from a comparison of such survey with the deed made by the State to E. J. Peck, and if said Auditor shall be of opinion that the State has conveyed to E. J. Peck lands in said lot seventeen which the State had no right to

convey, that he shall appoint one discreet and disinterested person to value the lands so deeded to said Peck which the State had no right to deed, who shall meet with such discreet or disinterested person as may be appointed by said Peck, who shall set a fair value on said land and certify the same to the Auditor of State under their hands and seals, and the said Auditor shall audit the same to the said Peck or to the person who is the last purchaser or present owner of said land, and the same shall be paid by the treasurer out of any money not otherwise appropriated.

Sec. 2. That if the two persons appointed to value said lands cannot agree on the valuation thereof, they may appoint a third person to assist them in such valuation, and in that case a majority report shall authorize the Auditor to audit such claim.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCCXXV.

An Act to authorize the Auditor and School Commissioner of Jay county to sell the school section in township number twenty-three north, of range fifteen east, in Jay county.

[APPROVED JANUARY 19, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county auditor and school commissioner of Jay county are hereby authorized to sell section sixteen in congressional township number twenty-three north, of range fifteen east, in Jay county, on a credit for the whole amount instead of requiring one-fourth in hand as is now provided in section one hundred and seventy-eight, chapter thirteen of the Revised Statutes of eighteen hundred and forty-three.

Sec. 2. The said auditor and commissioner shall in all other respects be governed by the laws now in force on that subject.

Sec. 3. All laws and parts of laws coming within the purview of this act be and the same are hereby repealed.

Sec. 4. This act to be in force from and after its passage.

CHAPTER CCCXXVI.

An Act to vacate a public highway in the county of Greene.

[APPROVED JANUARY 15, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the public highway in the county of Greene beginning at the county line on the eastern boundary of said county near one William Carter's, running thence down Indian creek in said county in a south-west direction by John Rambolt's mill, thence by way of James Fuller's, intersecting the Plummers creek road leading from Bloomfield in said county to Wood's ferry in Lawrence county, near one Emanuel Hatfield's in said county of Greene, said point of intersection being at the forks of the roads leading to Newbury in said county of Greene and to said town of Bloomfield, be and the same is hereby wholly annulled and vacated.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CCCXXVII.

An Act for the relief of James S. Mayes, late School Commissioner of Knox county.

[APPROVED JANUARY 20, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the present school commissioner of Knox county be and is hereby authorized to refund to James S. Mayes, late school commissioner of Knox county, such sum of money as the said Mayes can prove to the satisfaction of the present school commissioner, that he, the said Mayes, lost by the depreciation of Illinois bank paper which he had received and had on hand as school commissioner in the years 1840 and 1841.

Sec. 2. This act shall be in force from and after its passage.

CHAPTER CCCXXVIII.

An Act for the divorce of Arthur E. Williams.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bonds of matrimony existing between Arthur E. Williams and Sarah Crossley be and the same are hereby dissolved.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCCXXIX.

An Act granting additional powers to the President and Trustees of the town of Dublin.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the president and trustees of the town of Dublin shall have full power and authority, by such ordinance or ordinances as they may establish, to prohibit the sale of any spirituous or strong liquors, foreign or domestic, within the corporate limits of said town, in any quantity or quantities, or for any purpose whatever, except as may be provided by said president and trustees in said ordinance or ordinances, in their discretion.

SEC. 2. Any person who shall violate any ordinance or ordinances contemplated by the first section of this act, shall be liable upon conviction thereof in an action of debt or on the case by said president and trustees before any court having competent jurisdiction, to pay any sum not less than three nor more than twenty-five dollars for each violation.

SEC. 3. Any person who shall be proceeded against as contemplated by the second section of this act, shall be entitled to a change of venue as in other cases before justices of the peace: *Provided*, That if a change be asked from any justice resident within the corporate limits of said town, said president and trustees, or a majority of them, shall make out in writing their opinion as to what shall be deemed a violation or evasion of their ordinance or ordinances, or an attempt to violate and evade the same, which opinion when so made out and forwarded to the justice upon whom the trial of the cause may devolve, shall govern his decision respecting the points submitted to him in said opinion.

SEC. 4. This act to be in force from and after its publication.

CHAPTER CCCXXX.

An Act to provide for a free turnpike road in Steuben county.

[APPROVED JANUARY 19, 1846.]

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board doing county business in Steuben county are hereby authorized at their March session in eighteen hundred and forty-six, to appoint three commissioners, whose duty it shall be to meet at Angola within sixty days after their appointment, and before entering upon their duties, shall take an oath or affirmation before some person authorized to administer the same, faithfully and impartially to discharge such duties as are required by this act; and they shall proceed to view, mark and locate a route for a free turnpike road in said county, to commence at the Ohio State line, and running westerly to Angola, from thence to the west line of said county, the same to be established where the best interest of the county may require.

SEC. 2. The said commissioners shall employ a surveyor and such other assistance as may be necessary for the purpose of locating said road, and shall within twenty days thereafter, file a report of their proceedings in the auditor's office, which report shall be recorded in the record book of said county, kept for such purposes; and they shall receive such compensation for their services as the board doing county business shall deem just and reasonable.

SEC. 3. It shall be the duty of the board doing county business at their June session, to appoint in each township through which said road passes, a suitable person to act as superintendent on said road, whose duty it shall be to receive subscriptions, donations in money, materials or labor, and apply the same to the construction of said road.

SEC. 4. It shall be lawful for any tax-payer in said county to discharge his road tax or any part thereof on said road, under the direction of the superintendent, at such time and place as he may designate, and his receipt shall be a discharge for said tax; the superintendents shall keep a record of all subscriptions or donations or labor performed on said road, and shall render an account of the amount so received and paid out to the county board of said county at their March session following.

SEC. 5. And it shall be the duty of said superintendents before entering upon their duties, to take such oaths or affirmations as is required of supervisors of highways, and the board doing county business shall make such compensation to said superintendents as they may deem reasonable and just, to be paid out of such funds as they may designate, not otherwise appropriated.

SEC. 6. If any person so appointed shall refuse or neglect to

perform such duties as is provided by this act, then the board doing county business shall at their next meeting make such other appointment as may be required to carry into effect the provisions of said act, and the superintendents so appointed shall be subject to the same privileges and same liabilities as supervisors of highways.

Sec. 7. This act to take effect and be in force from and after the filing of a certified copy of the same with the county auditor of said county by the Secretary of State, whose duty it shall be to forward such copy immediately.

CHAPTER CCCXXXI.

An Act appointing a board of superintendents to superintend the changing of the channel or leveeing the banks of Jordan creek, in Vigo county, and for other purposes.

[APPROVED JANUARY 15, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That William Durham, Jr., Andrew Wilkens, Jeremiah ———, George Jordan, and Isaac N. Dixon be, and are hereby appointed and constituted a board of superintendents to superintend the changing or deepening the channel, or leveeing the banks of Jordan creek, in Honey Creek township, Vigo county, Indiana.

Sec. 2. Said board of superintendents shall have full power to levy and collect such taxes as may be necessary for the purpose aforesaid, from individuals owning land on said creek, and such other persons who may be benefitted thereby; and apply and disburse all funds that may come into their hands, in such manner as will better secure and consummate the objects herein specified.

Sec. 3. If in changing the channel of said creek any person should be damaged thereby, it shall be lawful for such party to choose arbitrators who shall be governed in all respects by the law now in force relative to arbitrators; and such damages when so assessed by the arbitrators shall be paid over to the damaged party by the board of superintendents, who shall collect the same by taxation from all those who are made subject to taxation by the provisions of this act.

Sec. 4. This act to take effect and be in force from and after its passage.

CHAPTER CCCXXXII.

An Act to vacate a part of the plat of the village of Mishawaka, St. Joseph county, Indiana.

[APPROVED JANUARY 15, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all that portion of the plat of the village of Mishawaka, formerly known by the name of Indiana city, laid out by Joseph Battell, James R. Lawrence, and Grove Lawrence, bounded southerly by the St. Joseph river, west by the west line of Irene street, north by the north line of Battell street, and east by the west line of Margaret street, being fifty-six rods east and west, and about seventy-six rods north and south, be and the same is hereby vacated.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCXXXIII.

An Act authorizing the commissioners of Henry county to reduce the width of county roads in certain cases.

[APPROVED JANUARY 20, 1846.]

Section. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board doing county business in the county of Henry, where any county roads may have been established or that may hereafter be established therein, may, on the petition of twelve freeholders of the immediate neighborhood, reduce the width of such road or roads below forty feet, if, in the opinion of such board, the interest of the public will not be thereby injured: *Provided however*, That in no case contemplated by this act shall the width of any road be reduced below twenty-five feet.

Sec. 2. This act to be in force from and after its publication in the Indiana Courier.

CHAPTER CCCXXXIV.

An Act for the relief of Henry D. Smith.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bonds of matrimony heretofore and now existing between Henry D. Smith and Mary Ann Smith be and the same are hereby dissolved, and declared null and void, as though said parties had never entered into said matrimonial contract.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCCXXXV.

An Act to establish an additional election precinct in Union township, in Perry county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in addition to the present place of holding general and township elections in Union township, in Perry county, for all or any of the above purposes, an election shall likewise be held at the same time at the present residence of Arnold Elder, in said township.

SEC. 2. In all general elections at said place of election, all voters who, at the time being, live within the intermediate space between Main Oil creek and Main Prison creek, or on their tributaries, and not more than five miles from said place of election, shall have the right of voting there, and all other voters in said township, who, at the time being, reside within four miles of said election precinct and within said township, shall have the right of voting at said place of elections.

SEC. 3. The board doing county business in said county may, at their discretion, order said election to be held at any other house within said township not more than one mile from the place above designated.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CCCXXXVI.

An Act legalizing the election and official acts of William H. Parmelee as probate judge of Wells county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the election of William H. Parmelee, and his official acts as probate judge of Wells county, be and they are hereby legalized, and shall have the same force and effect as if the said William H. Parmelee had received a certificate of qualification before his said election.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCXXXVII.

An Act to locate a State Road in Noble county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Daniel Ohlwine and Daniel Rorar be and they are appointed commissioners to view, mark, and locate a State road commencing at the court house in Port Mitchell in Noble county on the section line at said place, thence west on or as near said line as good ground can be had till it intersects the State road leading from Rochester, in Noble county, to Webster, in Kosciusko county.

SEC. 2. And that said commissioners shall meet at the beginning point on the first Monday of April next, or within thirty days thereafter, and after taking an oath or affirmation faithfully and impartially to discharge the duties as such, proceed to view, mark, and locate said road, and report their proceedings thereon to the board of county commissioners of said county at their next session thereafter, and that said viewers shall each be allowed the sum of one dollar for each day necessarily employed as such, to be allowed by the board of county commissioners of said county.

SEC. 3. And it is made the duty of the Secretary of State to transmit a copy of this act to the clerk's office of Noble county by the first day of April aforesaid.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CCCXXXVIII.

An Act for the relief of Indiana Young.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the marriage heretofore existing between Indiana Young of Brown county and Henry Young, late or now of Vigo county, be and the same is hereby dissolved; that the said Indiana Young shall hereafter be known by the name of Indiana Hotchkiss, and that she be and she is hereby constituted the legal guardian of Mary and Amanda, her infant children by the said Henry.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCXXXIX.

An Act for the relief of Jacob Whisler.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bonds of matrimony between Jacob Whisler and Livona Whisler of the county of Tipton be and the same are hereby dissolved.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCXL.

An Act to authorize the Auditor of Madison county to sell the sixteenth section of township number twenty-two north, of range number eight east, for the benefit of common schools in said township.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John W. Westfield, auditor of Madison county, or his successor in office is hereby authorized to sell the sixteenth section of township number twenty-two north, of range number eight east, being governed in all respects by the laws regulating the sale of school lands now in force relative to common schools in this State.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCCXLI.

An Act for the divorce of Robert Hemphill of Monroe county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the marriage heretofore existing between Robert Hemphill and Pauline Jane Hemphill of Monroe county be and the same is hereby dissolved.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCXLII.

An Act relative [to] the State Roads in Elkhart, St. Joseph, and Laporte counties.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the boards of county commissioners of Elkhart, St. Joseph, and Laporte counties be and they are hereby authorized and empowered so to alter or amend the records of their proceedings as to conform to the laws now in force in regard to the location of State and county roads, and to legalize all State and county roads in and running through Elkhart, St. Joseph, and Laporte counties.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCXLIII.

An Act for the relief of John Davis, of Orange county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bonds of matrimony heretofore existing between John Davis and Eliza Davis, his wife, of Orange county be and the same are hereby dissolved.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCXLIV.

An Act declaratory of, and to amend an act entitled, "An act authorizing Joseph Quinn and James Norvell to erect toll bridges," approved January 13, 1845.

[APPROVED JANUARY 19, 1846.]

WHEREAS, It has been represented to the General Assembly that certain of the provisions and requisitions of an act of the General Assembly of the State of Indiana, approved January 13th, 1845, authorizing Joseph Quinn and James Norvell to erect toll bridges over certain creeks therein named, and to charge certain tolls therein mentioned, are of doubtful and uncertain meaning, and that Joseph Quinn and James Norvell, in compliance with their understanding of the requisitions of said act, have built and erected certain bridges, and graded and graveled a certain road, and also erected a gate and demanded the tolls in said act mentioned, and that certain persons have refused to pay the toll so demanded in consequence of the uncertainty as to the completion of said road and bridges: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bridges over Brandywine and Shanes' creek are good and sufficient bridges within the meaning of the act to which this is an amendment.

SEC. 2. That the bridge over Swamp creek shall be so altered as to be made a good and sufficient frame bridge, floored with hewn or sawed plank not less than two and one half inches thick.

SEC. 3. That the said road between Swamp creek and Brandywine, and between Brandywine and Shanes' creek, shall be so far altered as to be three feet at least in height above the bottom lands

of said several creeks, with a gravel face not less than twelve inches deep throughout, and of the width of eighteen feet throughout, except where said road must of necessity be narrowed near said bridges, with leave to put in a culvert between Brandywine and Swamp creeks.

SEC. 4. It shall be the duty of the county commissioners of Shelby county, on application being made to them by the said Quinn and Norvell, to examine said road and bridges, and if said county commissioners shall be satisfied that said road and bridges have been fully altered and completed so as to comply with this act and the act to which this is an amendment, they shall give to the said Quinn and Norvell a certificate under their hand to that effect, which certificate shall, at the next regular meeting of said board of county commissioners, be entered in the records of their proceedings, which certificate, or record, or certified copy thereof shall be conclusive evidence of the matters therein set forth in any court of this State.

SEC. 5. That as soon and after such certificate shall have been given as above provided, it shall be lawful for said Quinn and Norvell at their erected gate to ask, demand and receive the following rates of toll, to-wit: For every horse, mule or ass, with rider, five cents; for every carriage, wagon, or other vehicle drawn by one animal, six and one quarter cents; for every carriage, wagon, or other vehicle drawn by two animals, ten cents, and if drawn by three animals, twelve and a half cents, and if drawn by more than three, fifteen cents; for every single horse, mule or ass, two cents; and for every hog, sheep, or head of neat cattle, one quarter of a cent: *Provided*, That the aforesaid work be completed and such certificate obtained within the time limited for carrying out the provisions of and by the act to which this act is an amendment.

SEC. 6. Said Quinn and Norvell shall also, within two years from the passage of this act, in consideration of the above rates of tolls, make and extend a road from Shanes' creek bridge along the Michigan road to the high ground or rise of land south of said bridge, said extension to be made and completed after the manner and in all respects as specified in section third of this act, to the satisfaction of the county commissioners, and certified to by them as hereinbefore provided; and upon failure to complete the said southern extension from Shanes' creek to the said rise of land within the time above specified, the right to receive the tolls in this act contemplated shall cease until the provisions of this section shall have been fully complied with; and until said south eastern extension of said road shall be so completed, the same shall be by them kept in good ordinary repair.

SEC. 7. That if any person or persons shall forcibly or otherwise pass through the gate without having first paid the legal toll, or shall cross said Swamp creek within one half mile above or below said gate, for so passing, with intent to defraud said Quinn and Norvell, each and every person or persons so offending shall, for every

such offence, forfeit and pay to the said Quinn and Norvell the sum of five dollars, to be recovered with costs of suit in an action of debt before any justice of the peace in the State of Indiana: *Provided*, That no part of this section shall be so construed as to prevent owners of land on said creeks from crossing to or from said lands.

Sec. 8. That whenever said Quinn or Norvell, or any other person on their behalf, shall make an affidavit before any justice of the peace, and therein state that any person or persons offending against the provisions of section seventh of this act are not residents of Shelby county, it shall be the duty of the justice thereupon to issue a *capias ad respondendum* against such person or persons, and such capias, as to its return and the proceedings under it, shall be governed by the provisions of the 23d, 24th, 25th, and 26th sections of —— chapter of the Revised Statutes of 1843.

Sec. 9. The powers and privileges granted to, and the requisitions and restrictions imposed upon, said Joseph Quinn and James Norvell by the provisions of this act of amendment, and of the act to which this is an amendment, shall be held to extend to their successors in interest.

Sec. 10. This act of amendment shall take effect from and after the time that the said Quinn and Norvell shall file in the office of the clerk of the Shelby circuit court their written consent to the provisions of this said act, and shall continue in force for the term of eighteen years therefrom.

Sec. 11. This act and the act to which this is an amendment, are hereby declared to be public acts, and that all the provisions of the former act that comes within the meaning and purview of this act be and the same are hereby repealed.

CHAPTER CCCXLV.

An Act to authorize a resurvey of section sixteen in township three south, in range five east, in Harrison county, and for other purposes.

[APPROVED JANUARY 19, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the several owners of land in section sixteen in township three south, and in range five east, in Harrison county, or a majority of them, be and they are hereby authorized to employ a surveyor to resurvey and subdivide said section sixteen.

Sec. 2. Said surveyor, when so employed, shall resurvey said section and subdivide the same as nearly as he can from the best evidence he can get, in the same manner as said section was heretofore subdivided by the school trustees of said township at the time said section was by them first offered for sale.

Sec. 3. He shall locate each corner of each of the subdivisions of said section, and shall deposite in each corner a stone or other permanent and durable material; and he shall also mark plainly and distinctly the lines of each of the subdivisions; which survey and subdivision, when so made, shall thereafter be deemed and taken for all purposes whatever, as the same survey and subdivision made by the school trustees of said congressional township at the time they first offered said section for sale.

Sec. 4. The said surveyor shall also make a correct map or plat of said section with its subdivisions, and shall number each lot or subdivision as the same was numbered in the original subdivision of said section by said school trustees; and he shall also note on each lot or subdivision the number of acres it contains, and the course and distance of the lines bounding it, which map or plat the owners of said land shall deliver to the county auditor, who shall record the same in the order book of the board of county commissioners.

Sec. 5. The recorded plat above directed to be made shall, for all purposes whatsover, and in all places, be received as evidence of the matters and things therein contained.

Sec. 6. The county auditor of said county shall execute to the purchaser or his assignee of any land in said section, a deed, which shall be attested and recorded in the manner now prescribed by law for deeds in similar cases; and when a deed may hereafter have been executed to any person for land in said section, and the boundaries thereof be incorrectly or defectively described, or not described at all, the said auditor may execute to the person entitled thereto a new deed, containing a proper description of the land, which shall be taken and considered as a part of the original deed.

Sec. 7. This act to take effect and be in force from and after its publication.

CHAPTER CCCXLVI.

An Act for the relief of the widow of Thomas Murphey, deceased, of Brookville, in the county of Franklin.

[APPROVED JANUARY 19, 1846.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the Agent of State to pay over to the widow of Thomas Murphey of Franklin county, the money which is due the estate of said Murphey from the State of Indiana.

Sec. 2. This act to take effect from and after its passage.

CHAPTER CCCXLVII.

An Act to exempt from taxation for corporation purposes certain lands within the limits of the city of Lawrenceburgh.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall not be lawful for the corporate authorities of the city of Lawrenceburgh to assess or collect a corporation tax for city purposes from any cornfield, in size of twenty acres and over, within said corporate limits, that has been and still is kept exclusively to raise corn on.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCCXLVIII.

An Act for the relief of Henry Mancel and the widow and children of John Reed, deceased.

[APPROVED JANUARY 19, 1846.]

WHEREAS, Henry Mancel, a citizen of France, lately visited the United States with the intention of settling therein, declared his intention of naturalization, and purchased and received from John Reed, late of Vigo county, Indiana, deceased, a deed in fee for the west half of the north-east quarter of section number twelve, in township number (12) twelve north, of range ten west, containing eighty acres, situate in said county; and upon his return to France was prevented by uncontrolable circumstances from returning to settle in the United States and paying the purchase money of said land: AND WHEREAS, Said Reed is now deceased, leaving a widow Ann and minor children William, Jane, and Susan, who are equitably entitled to said land: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said Henry be and is hereby authorized to convey said real estate to said widow and children in such limitations and proportions as they would have derived the same from said deceased if he had died seized of the same, with the same effect as if said Henry Mancel was a citizen of the United States.

SEC. 2. This act shall take effect from and after its passage.

CHAPTER CCCXLIX.

An Act to legalize the acts of Daniel B. Redman.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the acts of Daniel B. Redman, a justice of the peace of Tipton county, are hereby legalized.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCL.

An Act for the relief of Mary Ann Bruner of the county of Ripley.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the banns of matrimony heretofore solemnized and now existing between Joel Bruner and Mary Ann Bruner of the county of Ripley, be and the same are hereby dissolved.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCCLI.

An Act to legalize the proceedings of the board of Trustees of the town of Rising Sun, in Ohio county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That no failure to elect the board of trustees of said town of Rising Sun or any part of it at the time fixed by law shall vitiate or make void any of the proceedings of said board, which were in other respects in accordance with law.

SEC. 2. That the board hereafter elected by the citizens of said town on the wrong day, including the present board, shall be and are hereby constituted the legal board of president and trustees of

said town, and the present board shall serve as such till their successors are duly elected.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER CCCLII.

An Act to define the channel of Turtle creek in Sullivan county.

[APPROVED JANUARY 19, 1846.]

WHEREAS, It has been represented to this General Assembly that Turtle creek, in Sullivan county, has no well defined channel, and the inhabitants in the immediate vicinity of so much of said creek as lies between Robert Griffith's mills and the Wabash river, labor under great disadvantages in consequence of said creek overflowing much valuable lands, and it is further represented that in consequence of said creek overflowing so much rich and fertile land is productive of sickness; for remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Henry French, Robert Griffith, and Thomas B. Springer, all of said county of Sullivan, be and they are hereby constituted a board of commissioners, invested with full power and authority to cut or cause to be cut and kept open a channel for said creek; that is to say, commencing a short distance below Griffith's mills, where a channel has been commenced termed the canal, running from thence on the most practicable route to the Big bayou below the town of Merom in said county of Sullivan.

SEC. 2. That nothing contained in the first section of this act shall be so construed as to allow said commissioners to so drain said Turtle creek as not to allow sufficient water to remain in the original channel for the use of the stock of the neighborhood.

SEC. 3. That any person or persons who shall wilfully or maliciously obstruct said channel, after the same has been opened, shall be liable for damages of not less than one nor more than twenty dollars for each such offence committed by him or them, at the discretion of the court trying the same, for the use of said commissioners, to be applied to the keeping open or improving said channel. Said suit shall be commenced in any court having jurisdiction of the same, in the names of said commissioners, and in all things be conducted as individual suits, and the court trying the same shall be governed as in cases of debt.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CCCLIII.

An Act to amend and reduce into one, the several acts relating to the corporation of the town of Vevay.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the trustees to be elected under the provisions of this act shall be, and they are hereby declared to be a body politic and corporate, by the name and style of "the Trustees of the town of Vevay," and by that name and style shall be able and capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any court of competent jurisdiction; to make, use and have a common seal, and the same to break, alter and renew at pleasure; to ordain, order, establish and put in execution such by-laws and rules as they shall deem proper and necessary for the police, and good government of said town, subject to the restrictions and limitations hereinafter provided, and not inconsistent with the constitution and laws of this State and of the United States.

SEC. 2. On the first Monday in January, annually, there shall be an election held at the court house, in said town, to elect, by ballot, seven trustees, one for each ward as now laid out, the bounds of which may hereafter, from time to time, be altered by said trustees, at which election all free white males of the age of twenty-one years and upwards, who shall have resided in said town for one year next preceding said election, shall be allowed to vote; but no person shall be eligible to the office of trustee, for any ward, unless in addition to the qualification of a voter, he be a resident within the bounds of the ward for which he shall be elected.

SEC. 3. It shall be the duty of the president or clerk of said corporation to give notice of such election, at least ten and not more than thirty days previous thereto, of the time and place of holding the same, by publication in a newspaper, printed in said town, or by written notices, set up in at least three public places within said town: the president of the corporation shall act as inspector of the election; he shall call to his assistance two other qualified electors of said town, who with himself shall be judges; they shall appoint a clerk, and having taken an oath or affirmation, faithfully to discharge their duties as judges and clerk of said election, shall proceed to receive votes for trustees, between the hours of ten o'clock, A. M., and four o'clock, P. M., on said day: *Provided however*, That if the president shall not be present by eleven o'clock, A. M., or being present shall refuse or neglect to act as aforesaid, then the voters present shall appoint some qualified elector to be the inspector of said election: *Provided also*, That if the president and clerk should fail to give the

notice required of them as aforesaid, ths act shall be considered as sufficient notice: *And provided further*, That if the electors should fail to meet and elect trustees at any annual election, or if all or any of the trustees elect should refuse or neglect to qualify as such trustees, the corporation shall not thereby be dissolved, but the trustee or trustees then in office, whose place the election was intended to fill, shall continue in office until others shall be elected, at an annual election, and qualified.

Sec. 4. It shall be the duty of the judges of such election to certify, under their hands, the names of the seven persons who received the highest number of votes for trustee of their respective wards, which certificate shall be filed and entered upon the record of the proceedings of the board of trustees, by the clerk of the corporation, whose duty it shall be to deliver a copy thereof to each of the seven persons elected, which certificate shall be sufficient authority for such person to act as trustee.

Sec. 5. If at any election for trustees there should be a tie, the judges shall decide which of the candidates, having the highest and the same number of votes, for the same ward, shall be entitled to the certificate of election; and all contested elections shall be decided by the trustees.

Sec. 6. The trustees elected as aforesaid, or a majority of them, shall meet, and after having taken an oath or affirmation, faithfully and impartially to discharge their duties as trustees of the town of Vevay, shall elect one of their body president, whose duty it shall be to preside at their meetings, preserve order therein, sign all laws, ordinances and decrees of a public nature, and also to sign the records of all their by-laws and journals or minutes of the proceedings of said board of trustees, but in case of his absence a president *pro tem.* may be appointed: when vacancies shall happen, by death, resignation or otherwise, such vacancy shall be filled by appointment of the trustees, until the next annual election: a majority of the trustees shall at all times form a quorum; they shall appoint a clerk, and all officers necessary to carry into effect the provisions of this act, prescribe their duties, from time to time, and shall make such compensation as to them shall seem reasonable and proper, and shall take bond and security of such of them as they shall deem necessary, to insure the faithful performance of their duties, and may remove them at pleasure; they shall also have the power to allow themselves reasonable compensation for their services.

Sec. 7. The said trustees shall have full power and authority to assess and cause to be collected a tax, annually, on all real property within said town, not to exceed three-fourths of one per cent. on its valuation, including improvements on such property; a poll tax on each qualified voter, not exceeding fifty cents each, and a reasonable tax on all or any specific article of personal property, as to them shall be deemed fit subjects of taxation; on the owners or keepers of dogs in the town, a tax of not less than fifty cents, nor more than

two dollars for each he dog, and not less than one dollar nor more than five dollars for each she dog, but may discriminate between large dogs and small dogs, commonly called fistes.

Sec. 8. The corporation shall, on or before the first Monday in March, in each year, appoint a lister, who shall take an oath or affirmation, faithfully and impartially to discharge his duties as such, and shall forthwith proceed to make a fair list, in alphabetical order, of all persons subject to a poll tax, and of all persons, owners or keepers of such personal property as said trustees shall direct him to list, setting opposite to their names, distinctly, each article they are owners or keepers of, and shall, on or before the first Monday in May next succeeding, make return of said list to the clerk of the corporation.

Sec. 9. On or before the first Monday in June, in each year, the trustees shall assess such tax as they may deem proper, on the list returned by the lister, and direct their clerk to make out a fair duplicate thereof, adding the amount of tax charged on each article, also the total sum to be paid by each; and said duplicate, when certified and signed by the president and attested by the clerk and seal of the corporation, shall be delivered to the treasurer of Switzerland county, or collector of the State and county revenue for said county for the time being, who by virtue of his office shall be, and is hereby constituted collector of said corporation, who may likewise be appointed by said trustees treasurer of said corporation; and the said trustees shall also, on or before the first Monday in June, in each year, levy a tax on the real property in said town, stating what per centage on the valuation made by the State authority, which shall forthwith be certified to the auditor of the county of Switzerland, whose duty it shall be to charge the amount in his duplicate to the owner of each lot or part of lot, or other real estate, if known, in the same manner as the tax for county purposes.

Sec. 10. The taxes assessed in [the] manner aforesaid, shall be collected, collection enforced and accounted for, and paid over to the treasurer of the corporation, in the same manner and at the same time as the State taxes are collected, accounted for and paid over, by the collector to the State treasurer; and the same lien which attaches to real estate for State and other taxes, as provided for by the sixty-third section of chapter twelfth of the Revised Statutes, shall in like manner attach for the corporation taxes on real estate; and the law relating to the redemption of real estate, when sold for State and county taxes, shall also apply to the corporation taxes.

Sec. 11. The said trustees shall have power to make and enforce all such laws, ordinances or decrees as may be necessary to guard against damages by fire; to organize fire companies and govern the same; to regulate the duty of the citizens of the town in relation thereto; to procure fire engines and other apparatus; to establish markets and regulate and govern the same; to prevent the erection,

creation or continuation of nuisances; to declare and define what shall constitute a nuisance, and cause the same to be removed or abated, either by the corporation or by the person erecting, creating or continuing the same: also, to erect a wharf or wharves, at the junction of any public street with the Ohio river, or where the corporation owns the shore, and to regulate the same, and to regulate the rates of wharfage: also, to regulate the carting and drayage of merchandize; to establish the grades of all streets and alleys, when necessary; to cause the same, with their gutters, side-walks, sewers, aqueducts, bridges and culverts, to be kept clean and in good repair, either at the expense in whole or in part of the owners of lots or parts of lots adjoining, or of the corporation and owners of such lots or parts of lots who shall be benefitted thereby; but nothing in this act contained shall be construed to authorize said trustees to take private property for public uses, without the consent of the owner, in writing, under his hand and seal.

Sec. 12. The said corporation shall have power to acquire and hold real estate, either by purchase, gift or otherwise, and sell and improve the same, and, if necessary, to borrow money; but no money shall ever be borrowed so as to make the corporation debt to be more than one thousand dollars, at any one time, without the consent, in writing, (stating the object for which it shall be borrowed,) of a decided majority of all the qualified voters of the town: the proceedings of the trustees of the town of Vevay, had in the month of September, in the year one thousand eight hundred and thirty-six, respecting a piece of land within said town, claimed by said trustees, the deeds passed between said trustees and John F. Dufour, and the subsequent laying out said land into building lots, by said trustees, and the sale of part of said lots, and all the proceedings of said trustees in relation thereto, be and the same are hereby confirmed and legalized.

Sec. 13. The said trustees, to enforce the observance of all rules, ordinances, by-laws, and police regulations, made in pursuance of this act, shall impose pecuniary penalties on any person or persons violating the same, not exceeding twenty-five dollars for any one offence, to be recovered, with costs, in an action of debt, in the name and for the use of said corporation, before any justice of the peace of Switzerland county, residing in Jefferson township: every such ordinance or by-law, imposing any penalty or forfeiture for a violation of its provisions, shall, after the passage thereof, be published in a newspaper, published in said town, or by copies thereof being set up at three of the most public places in said town; and proof of said publication, by the affidavit of the printer or publisher of said paper, or of the person setting up the copies, taken before any officer authorized to administer oaths, and recorded in the book of the record of proceedings of said trustees, or on other competent proof of such publication, shall be conclusive evidence of the legal publication of

such ordinance or by-law, in all courts or places: no person shall be an incompetent judge, justice, witness or juror, by reason of his being a resident or freeholder in the town of Vevay.

Sec. 14. In all bonds given to the corporation, and all contracts entered into with the corporation, said corporation shall be styled "the Trustees of the town of Vevay;" and in all suits commenced for the benefit of said corporation, and against said corporation, said corporation shall be styled "the Trustees of the town of Vevay," without setting out the name of any member thereof.

Sec. 15. The said trustees shall also have power to tax, at discretion, all kinds of theatrical exhibitions, animals, circuses, artificial and natural curiosities, shows, and performances of any kind, acted or exhibited for pay or reward, by obliging the owner or owners, manager or managers thereof to take license, in such manner as said trustees shall direct; and for that purpose, as well as for the purpose of removing and abating nuisances, their jurisdiction shall extend one-half mile beyond the limits of said town.

Sec. 16. It shall not be lawful for any person or persons, within the bounds of the corporation, to sell any spirituous liquors, in any quantity less than one quart, or keep what is commonly called a tippling-house, unless such person or persons, shall, in addition to a license obtained from the board doing county business, obtain a license from the trustees of said town, who are hereby authorized to grant the same to such applicant for one year, such applicant paying into the treasury of the corporation a sum, not less than five dollars and not exceeding fifty dollars, at the discretion of the corporation; and if any person shall sell any spirituous liquors, contrary to the provisions of this act, or shall keep a tippling-house within the bounds of said corporation, without such license, obtained from the board of trustees of said town, the person or persons so offending, on conviction thereof, on presentment or indictment, in any court of competent jurisdiction, shall be fined in any sum, not exceeding fifty dollars nor less than five dollars, for the use of the county seminary of Switzerland county.

Sec. 17. That whenever the owner of lots on any street, shall be desirous of making any improvements on the same, by grading, gravelling or paving said street, or the side-walk thereof, or any part thereof, that two-thirds of the owners of real estate, on said street or section of street, by themselves or agents, representing two-thirds of the whole number of feet on each side of said street or section of street, shall, by petition, represent to the corporation, plainly and distinctly, the improvement wanted or contemplated to be made, it shall be the duty of the corporation to cause the same to be done, in the best and most economical manner, according to the wish of the petitioners; and the expense shall be assessed and levied on all the lots fronting on said street or section of street, equally per foot, front, for the distance such improvement may be intended to extend, which assessment and levy, from the time of making the same, shall

be and remain a lien upon such lot or lots until the amount so assessed and levied, with the costs thereof, shall be paid or discharged: it shall be the duty of the clerk of the corporation to enter such petition of record, with the petitioners' names, and the number of feet, front, owned by each, and shall make out and deliver to the treasurer or collector of the county of Switzerland, a list of the owners' names, the number of feet, front, owned by each individual, the rate of expense on said lot for such improvement, and the whole amount assessed and levied on each lot or fraction of lot, which list, signed by the president of the board of trustees and attested by the clerk, with the seal of said corporation, shall be sufficient authority for said treasurer or collector to proceed and collect the same: the said treasurer or collector shall proceed to collect the same in the same manner that the State and county taxes are collected, and the right of redemption shall be the same as in other cases of sales for non-payment of taxes, under this act.

Sec. 18. For the purpose of working the public highways, the board of township trustees of Jefferson township, shall lay off fractional sections, numbers fourteen and twenty-three, and so much of number thirteen, town two, range three, as lies within the bounds of the corporation of Vevay, as a separate and distinct road district, and appoint as supervisor of the same the person recommended by the trustees of the town of Vevay, if they shall choose to recommend any.

Sec. 19. The trustees of the town of Vevay shall hold stated meetings, on the first Monday in each and every month, at such hours and such place, within said town, as they shall from time to time designate and appoint, and when so met, they may adjourn from day to day, and to any other day not beyond the next stated meeting: the president may call special meetings; and any three trustees, when met at any stated, adjourned or called meeting, may compel the attendance of absent trustees, under such rules as said board of trustees may establish: and any trustee of the town of Vevay who, after having been sworn into office, shall wilfully neglect or refuse to discharge his duties as such, on conviction thereof, by complaint, presentment or indictment, in any court of competent jurisdiction, shall be fined in any sum not exceeding fifty dollars, for the use of the county seminary of Switzerland county.

Sec. 20. All the lands comprised and included within the following described limits, shall constitute and be the town of Vevay, incorporated by this act, viz: beginning at a point in the bed of the Ohio river, at the lowest water mark, where the line dividing out-lots of said town, numbers one, sixteen, seventeen, thirty-six [and] thirty-seven, from numbers two, fifteen, eighteen, thirty-five and thirty-eight would strike said river, if continued thereto in the same direction; thence running north, forty degrees west, along the line dividing said out-lots, numbers thirty-seven, thirty-six, seventeen, sixteen and one, from said out-lots, numbers thirty-eight, thirty-five, eighteen, fifteen and two, to the northernmost corner of said out lot number one; thence south, fifty degrees west, to Ferry street, [to] the westernmost corner of lot number ten, of Francis G. Sheets's addition of lots to said town; thence the same course to John F. Dufour's fence, four poles; thence south, forty degrees east, with said fence, thirty-five polls, to the northern corner of in-lot, (of the original plat of said town,) number eight; thence south, fifty degrees west, along the north-western boundary line of said original plat, to Vineyard street, and onwards in the same direction to the north-eastern line of the farm belonging to the Moreod family; thence south-eastwardly along with said line, and including all the plat of the addition of lots laid out by John Sheets and Daniel Dufour, to a point in the bed of the Ohio river, at the lowest water mark, at the mouth of a gully or ravine; thence up the Ohio river, with the meanders thereof, to the place of beginning.

Sec. 21. The said trustees shall have power to employ a competent surveyor to make a complete survey of the aforesaid lands, according to the different additions, and setting up monuments at the corners of squares if necessary, or otherwise establish and ascertain the said corners, or part of them, as to said trustees may appear to be necessary, and cause a connected plat of the whole to be made, and when so made and approved by said trustees, to have the same recorded in the recorder's office of Switzerland county.

Sec. 22. Any thing contained in any of the acts to which this is an amendment, contradicting any of the provisions of this act, be and the same are hereby repealed: *Provided*, Nothing in the provisions of this act contained, shall be so construed as to vacate the old corporation, created under the act to which this is an amendment and revision; but the trustees to be elected under this act, should [shall] be deemed and taken to be the successors in office to the old trustees, elected prior to the passage of this act: nor shall the provisions of this act be so construed as to alter, vacate or annul any of the existing ordinances of said corporation.

Sec. 23. This act shall be deemed and taken to be a public act, shall be favorably construed for any beneficial purpose, and shall take effect and be in force from and after its passage.

CHAPTER CCCLIV.

An Act to incorporate the Madison Cemetery.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Shadrack Wilber, Caleb Schmidlapp, Joseph C. Hite, William Brown and Jonathan Fitch, and their associates and successors, be and they are hereby constituted a body corporate, under the name of the "Madison Cemetery," by which name they shall have power to contract and be contracted with, sue and be sued, have and use a corporate seal, make and alter by-laws, and do all other acts and things necessary and proper for affecting the object of their incorporation, which is to secure a place of interment for the dead.

SEC. 2. Any person may become a member of said society by becoming the owner of one or more cemetery lots, as the same may be laid out by the board of directors; and every lot so laid off shall be entitled to one vote.

SEC. 3. The affairs of the company shall be managed by a board of directors, to consist of five persons, who shall be members of said society, and shall hold their offices until their successors shall be chosen: the first election of directors shall be held at such time and place as the persons above named, or a majority of them, shall designate, of which one week's notice shall be given by publication in a newspaper, printed in the city of Madison; and until such election the persons above named shall constitute the board of directors.

SEC. 4. Said board of directors may adopt such rules and regulations, in regard to the times of holding elections, the continuance in office of said directors, the election of a president, secretary and treasurer, and the sale of cemetery lots, as they may deem best and most convenient: a majority of said board shall at all times constitute a quorum for the transaction of business.

SEC. 5. Said society is hereby authorized to purchase, or take by gift or devise, exempt from execution and taxation, for the sole purpose of a cemetery or burying-ground, not exceeding ten acres of land, which they shall lay out into suitable lots for burying lots: and on a sale or other disposition of any of said lots, they shall give to the purchaser or individual, a certificate under their corporate seal, specifying that such person is the owner of such a lot, and such certificate shall vest in the owner, his heirs or assigns, a perpetual right to the use of such lot, exempt from execution, attachment or taxation, for the sole purpose of interment, under the regulations of said society, or to be transferred by him to others for that sole purpose; but such transfer shall only be made on the books of said society, whose duty it shall be to keep a record of all lots sold and transferred.

SEC. 6. Said board of directors shall lay off said land into lots of suitable size for interment, and shall cause a plat thereof to be made, which shall be recorded in the recorder's office of Jefferson county, like as town lots are required to be recorded.

SEC. 7. This act to be regarded as a public act, and be in force from and after its passage.

CHAPTER CCCLV.

An Act to amend the road law in Tipton county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the road law be so amended that the treasurer of said county shall not receive any receipt from a supervisor of the roads, certifying that the amount of tax charged on the duplicate to any individual, has been worked out, unless it be from the supervisor of the district in which the land lies.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCLVI.

An Act to locate a State road therein named.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Lewis F. Perry, of Orange county, James Totten, of Crawford county, and Sherrod Burton, of Harrison county, be and they are hereby appointed commissioners to view, mark, and locate a State road on the nearest and best route from Valleen, in Orange county, to Sherrod Burton's mill, in Harrison county, from thence to intersect the New Albany and Vincennes turnpike between Hamer's farm and Edward Hunter's store, in Washington county.

SEC. 2. The said commissioners, or a majority of them, shall, on the first Monday of May next, meet at Valleen, and, after taking an oath faithfully to discharge their duties as such commissioners ac-

cording to law, shall proceed to view, mark, and locate said road: *Provided*, That should the said commissioners fail to meet on the said first Monday in May next, then they may meet on any subsequent day that they or a majority of them may agree upon.

SEC. 3. The said commissioners in locating said road shall have power to deviate from a direct line when better ground can be had, or when the road, if run in a direct line, would materially injure the property of any citizen.

SEC. 4. The said commissioners, or a majority of them, when they have completed the location of said road, shall file a report of their proceedings in the auditor's office in each of said counties of Orange, Harrison, Crawford, and Washington; and said auditors are required to lay said report before their respective boards of commissioners at their session next after the filing of said report. Said county boards are required to open said road in their respective counties in any width not exceeding thirty feet, and to cause the same to be worked and kept in good repair as other roads are.

SEC. 5. Said county boards shall allow said commissioners such compensation for their services as may be reasonable.

SEC. 6. This act to take effect and be in force from and after its publication.

CHAPTER CCCLVII.

An Act to incorporate the Hagerstown and Newcastle Turnpike Company.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Mark E. Reeves, George Gillispie, Daniel Hardman, Samuel Eiler, Thomas R. Stanford, Moses Robinson, Elijah Stout, and Jacob Elliott, and their successors in office duly elected as hereinafter directed, are hereby constituted a body politic and corporate, and by the name and style of the "Hagerstown and Newcastle Turnpike Company," shall be able and capable in law and equity to sue and be sued, defend and be defended, answer and be answered unto in any and all courts whatsoever; to make and use a common seal, and the same to alter or change at pleasure, and shall be able in law to make contracts and enforce the same, and to make and enforce the necessary by-laws, regulations and rules to enable them to carry into effect the provisions of this act and the objects contemplated by the same, not inconsistent with the laws and constitution of the State.

SEC. 2. The capital stock of said corporation shall be twenty-five

thousand dollars, divided into shares of twenty-five dollars each, with power to increase the capital stock if necessary to accomplish the objects herein contemplated.

SEC. 3. The corporation shall have power, by themselves or agents, to examine, survey, and locate a turnpike road from the town of Hagerstown, Wayne county, Indiana, to the town of Newcastle, in Henry county, Indiana, and said corporation shall have power to locate said road upon the most eligible and suitable ground, with full power to diverge from a direct line between the points named, when more favorable ground can be had for the construction of said road, the same not to be more than one hundred feet in width.

SEC. 4. Said corporation shall have all the powers, and perform all the duties, and be subject to all the restrictions contained in "An act to incorporate the Franklin Turnpike Company," approved January 31, 1842, excepting herein from said act, the first, twelfth, thirty-second, thirty-third, thirty-fifth, thirty-sixth, thirty-seventh, and thirty-eighth sections thereof, and said act, with said exceptions, is hereby expressly declared to apply to said Hagerstown and Newcastle Turnpike Company, and to have the same force and authority as if the same, with said exceptions, had been in this act particularly recited and set forth as a part hereof.

SEC. 5. This act to be in force from and after its passage; and it shall be considered a public act in all courts of record within this State, also in courts of justices of the peace, and shall be beneficially construed.

CHAPTER CCCLVIII.

An Act to incorporate the New Albany and Corydon Turnpike Company.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That William Hockaday and John Plice of the county of Floyd, and John Huger and John Ferguson of the county of Harrison, and their associates and successors be and they are hereby constituted a body politic and corporate, under the name of the "New Albany and Corydon Turnpike Company," and by that name may contract and be contracted with, sue and be sued, plead and be impleaded with in any court of law or equity, and do and perform all other things necessary and proper to be done by said company in carrying out the object of its creation.

SEC. 2. The capital stock of said corporation shall be one hun-

dred and fifty thousand dollars, divided into shares of twenty-five dollars each, and said stock shall be personal property.

SEC. 3. Said stock may be taken by any individual or corporation, and may be paid for in any kind of personal property or labor as may be agreed upon, and in such way and manner, and at such times and places as shall from time to time be directed by said corporation.

SEC. 4. Any two persons named in the first section of this act shall constitute a quorum to do business, and so soon as may be deemed expedient they shall meet at such time and place as may be agreed upon, and shall proceed to open books for the subscription of stock, and do all other things necessary for the complete organization of the company.

SEC. 5. So soon as may be deemed expedient, after three hundred dollars of the capital stock is subscribed, said commissioners shall appoint a time and place for holding an election for five directors, each of whom shall be a stockholder to the amount of at least two shares. Said commissioners shall in all things manage such election, and give proper certificates to the persons elected, who shall hold their office for one year, and until their successors are elected and qualified.

SEC. 6. At said election, and at each subsequent election, each stockholder shall have one vote on each share up to ten, and one for each five shares above ten: *Provided*, That no stockholder shall have more than one hundred votes.

SEC. 7. The time, place, and manner of holding all subsequent elections shall be regulated by the by-laws of the company, except the elections shall be annually as near as may be.

SEC. 8. So soon as the first board of directors shall have been elected and sworn into office, said commissioners shall deliver over to them the subscription books, together with all other things belonging to the company. Said directors shall choose one of their number to act as president, and shall also appoint a secretary and treasurer, who shall give bond and security for their fidelity in office; which bonds shall be payable to said corporation. Said officers may be removed by said board at pleasure and successors appointed, who shall in like manner qualify. A majority of said directors shall constitute a quorum to do business, and to supply any vacancy that may occur in their body.

SEC. 9. Said company shall have power to view, mark, locate and construct a turnpike road from New Albany to Corydon, commencing at the west end of Main street in the city of New Albany, from thence following the Corydon road to William Heckaday's farm, thence to John Plice's at the foot of the "Knobs," from thence to the forks of the road to what is called "Hancock's farm," and from thence to Corydon by the Corydon road; and in constructing said road said company may follow such plan and use such materials as they may determine and shall be found advantageous to the interests of said company and the construction of said road.

SEC. 10. Said company may adopt such rules and regulations and make such by-laws as in their judgment the business and affairs of the company may require, and such as are expedient to perform the duties and carry out the powers vested in this act. They shall also have power to appoint officers, agents, engineers, and operatives, and require them or any of them to give such bonds, in such amounts, payable to said company, on such conditions as said company shall direct; to enforce the payment of all stock subscriptions at such time and place and in such proportions as may be directed by said company; which payments may be enforced by a forfeiture of the stock to said company or by suit; to issue certificates of stock, and regulate the mode of transferring the same; to acquire, lease, sell, and dispose of such real estate as shall be for the interest of the company; to enter upon and take possession of all lands and materials necessary for the location and construction of said road and its appendages and the keeping it in repair, being accountable to the owners of the land and materials for the reasonable value of the same; to keep said road in repair; to erect, continue, and keep toll gates on the same; to establish, charge and collect tolls off (of) all persons using the same, at a rate not exceeding the rate charged on the New Albany and Vincennes turnpike; to make and declare dividends of profits to the holders of the stock, and do all other acts proper to carry out the object of this act.

SEC. 11. If any persons knowingly shall injure or obstruct said road, or any thing belonging thereto, such person or persons, on conviction thereof, before any court of competent jurisdiction, shall pay to said company twice the amount of the damage done and costs of suit.

SEC. 12. Plain and accurate accounts of the receipts and expenditures of said company shall be kept by said company, which shall be subject to the inspection of any and all of the stockholders at any time.

SEC. 13. The service of legal process on the president, treasurer, or secretary of said company shall be sufficient service on the said company.

SEC. 14. The signature of the president attested by the secretary shall be full evidence and authentication of any act of the company, unless the by-laws of said company require a different authentication.

SEC. 15. Said company shall begin the construction of said road within five years, and complete it within twenty years from the passage of this act or this charter shall be forfeited.

SEC. 16. The several stockholders and their private property shall be liable for the debts of the corporation.

SEC. 17. This act shall be in force from and after its passage.

CHAPTER CCCLXIX.

An Act for the relief of the securities of William H. Darnall, late school commissioner of Hendricks county.

[APPROVED JANUARY 19, 1846.]

WHEREAS, It has been represented to this General Assembly, that a judgment or judgments have been rendered, in the Hendricks circuit court, for a large amount, against one William H. Darnall, late school commissioner of Hendricks county, Indiana, together with John Swain, Thomas Gatson and John Darnall, securities of the said William H. Darnall, and that all the property of the said William H. Darnall has been levied upon and sold by the sheriff of said county, by virtue of writs of execution, issued on said judgment or judgments, and that a large amount of said judgment or judgments is yet due and unpaid: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the auditor of said county of Hendricks, be and he is hereby authorized and required to extend the time of payment of the balance of principal of said judgment or judgments, yet remaining unpaid, for the term of ten years, from and after the first day of September, in the year 1846, upon the following conditions, to-wit: *First*, the defendants to pay, on or before the first day of September, 1846, all the costs then remaining unpaid, together with the full amount of interest due on the balance of said judgment or judgments, up to said first day of September, 1846, and interest on the principal sum due, for one year in advance, at the rate of seven per cent. per annum, and annually thereafter in advance: *Second*, that if at any time the said parties shall fail to comply with the foregoing provisions, or either of them, or shall fail to pay the full amount of the principal at the end of the said term of ten years, it shall be the duty of the auditor of said county to cause the necessary writ or writs of execution to issue on said judgment or judgments, to make the full amount of principal and interest, due and unpaid on said judgment or judgments.

SEC. 2. It shall be the duty of the auditor of said county to postpone all sales of property now levied upon, by virtue of any writ or writs, issued on said judgment or judgments, and remaining unsold, until the first day of September, 1846, the sheriff of said county taking the necessary delivery bond for all personal property levied upon and unsold, if any, conditioned for the delivery thereof to the proper officer, on said first day of September, 1846, which said delivery bond shall have all the force and effect of delivery bonds in other cases: and if upon the first day of September, 1846, the said

parties shall comply with the provisions of the first section of this act, then the auditor aforesaid shall cause all writs issued on said judgment or judgments, to be returned to the proper clerk's office, without sale.

SEC. 3. It shall be the duty of the clerk of the said Hendricks circuit court, whenever required so to do by the said county auditor, to issue the necessary writ or writs of execution, on said judgment or judgments; and no affidavit or scire facias shall at any time be necessary.

SEC. 4. The auditor of said county is hereby authorized to sell any lands heretofore bid in by him, on any execution or executions, issued on said judgment or judgments and not now disposed of, to the person or persons owning the same at the time of the levy and sale thereof, for the sum and price by the said auditor so bid therefor, on a credit of ten years, the purchaser paying the full amount of interest accrued on the sum bid therefor by the auditor aforesaid, up to the time of the sale by the said auditor, and also, interest for one year at the rate of seven per cent. per annum, in advance, and annually thereafter in advance: and upon the purchaser complying with the foregoing provisions of this section, the auditor aforesaid shall give to said purchaser a certificate of purchase, describing the land sold, the date of sale and the amount for which the same was sold, and the conditions of such sale, stating therein that if the purchaser shall at any time fail to pay the interest in advance, for any one year, at the rate of seven per cent. per annum, or shall fail to pay the full amount of said purchase money at the expiration of the term of ten years from the day of sale, that then and in that case, the said land shall be forfeited and remain the same as though said sale had never been made be said auditor; but if, on the contrary, the said purchaser shall in all things comply with the conditions of such sale, and on the payment of the full amount of the purchase money at the expiration of said term of ten years, said auditor will and shall convey said land to the said purchaser or assigns, by a proper deed of conveyance, which said certificate shall be recorded in the record of the board of commissioners of said county of Hendricks.

SEC. 5. The purchaser shall execute and deliver to the said county auditor his bond for the purchase money, containing the same terms and conditions mentioned in the fourth section of this act, which shall be carefully preserved by said auditor, and all payments of interest shall be endorsed thereon; and the same shall be delivered up to the purchaser, upon the payment of the full amount of the purchase money and interest.

SEC. 6. Nothing in this act shall be so construed as to prevent said judgment or judgments being a lien upon all lands now owned, or which may hereafter be owned, by the defendants to said judgment or judgments, until the same shall in all things be fully satisfied; but said judgment shall be a lien thereon until satisfied.

SEC. 7. This act shall take effect and be in force from and after the filing of a certified copy thereof in the office of the clerk of the Hendricks circuit court; and the secretary of State is required to forward a certified copy thereof to said clerk, immediately.

CHAPTER CCCLX.

An Act to provide for doing county business in the county of Clay.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the present board of county commissioners of Clay county shall continue to serve as such until the first Monday in August next, and until their successors are chosen and qualified.

SEC. 2. It shall be the duty of said board at their March term, to lay off their county into three commissioners' districts, as provided for by the General Assembly of this State upon that subject, in each of which there shall be one commissioner elected, at the next August election, and the said board of commissioners so elected shall hereafter in all things be governed, managed and performed according to the said general act upon that subject, and the said board shall do and perform all the duties, have all the powers, be subject to all the liabilities and inure to all the rights of the present board as if the law had not been changed.

SEC. 3. All acts and parts of acts coming within the purview of this act be, and the same is [are] hereby repealed, and this act shall take effect and be in force from and after its passage, and it shall be the duty of the Secretary of State forthwith to send a copy thereof to the auditor of Clay county.

CHAPTER CCCLXI.

An Act relative to the change of a State Road in Boone county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the board of commissioners for the county of Boone, to make such change in the State road from from Thorntown to Jamestown, on the lands of Milton E. McCorkle and Joseph Horner, as in their opinion will be for public and private convenience: *Provided*, Such change shall not be made unless ten days' previous notice of the application for such change be given to the persons through or on whose land the change is proposed to be made; also by posting up notice of such application in three of the most public places of the township, previous to the sitting of said board of commissioners.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCCLXII.

An Act for the relief of owners of wet lands in Allen county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That if any person or persons who are the owner or owners of any wet prairie or other wet lands, and wishing to drain the same by a ditch, that it shall be lawful for such person or persons to petition the trustees of the proper township for the same, after giving twenty days' notice thereof by advertisements posted up in three of the most public places in said township, setting forth in said advertisements the place of beginning, intermediate points if any, and place of termination [of] said proposed ditch.

SEC. 2. That on such petition being presented to the board of trustees of the proper township, and they being satisfied that the proper notice has been given as aforesaid, the petition shall be read in open meeting of said trustees, and they being satisfied that such proposed ditch is necessary either to the health or convenience of such person or persons, the said trustees shall appoint three judicious, disinterested landholders of the township, and a surveyor, (if a surveyor be necessary,) who after being duly sworn, shall proceed at the time directed by the trustees, or within three days thereafter, to view the ground along which such ditch is proposed to be cut, as near the prayer of the petitioners as the nature of the ground will admit of, and shall take into consideration the advantage and disadvantages which will accrue to the applicant or applicants of said ditch as well as to the owner or owners of the land through which it is proposed to establish the same, and the amount of damages he, she, or they may sustain.

SEC. 3. That said viewers shall make a report in writing to the trustees setting forth their opinion in full on the subject, together with a statement of the damages (if any) assessed to each person through whose land the said ditch is proposed to be established,

which report shall be deposited with the township clerk who shall notify trustees thereof; whereupon the said trustees shall at their next meeting cause said report to be read, and if the same be in favor of establishing said ditch, and the trustees deem it reasonable and just, they being satisfied that the damages (if any have been claimed and assessed) have been paid or secured to be paid by the petitioners, the clerk of the township shall enter the same on record, and the trustees shall issue their order to the petitioners or any of them, to open said ditch as many feet wide as they in their discretion may think necessary, and from thenceforth the same shall be considered a private ditch, and kept in repair by the applicant or applicants for the same; but if the reviewers shall report that the prayer of the petitioners is unreasonable and ought not to be granted, no further proceedings shall be had thereon by said trustees.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CCCLXIII.

An Act to allow the Principal and Teachers of the Deaf and Dumb Asylum to use the books in the State library.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the privilege now enjoyed by members of the Legislature and others, to use the books in the State library be, and the same is hereby extended to the principal and teachers of the deaf and dumb asylum, for the use of the pupils thereof.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CCCLXIV.

An Act to establish a free turnpike road in Allen county.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Robert Brackenridge, Sen., John Trentman, and Esquire Wells be and they are hereby appointed commissioners to

establish a free turnpike road in the county of Allen, commencing opposite the public square in the city of Fort Wayne, and thence south along the Piqua road to the south line of Allen county at a point where the Adams county free turnpike road strikes the Allen county line.

SEC. 2. That the said commissioners shall have power to appoint a superintendent or superintendents and such other agents as they may deem necessary to carry into effect the provisions of this act. A majority of said commissioners shall be a quorum, having power to transact any business, and exercise any power entrusted to them by this act; and they shall keep a record of their proceedings which shall at all times be open for inspection by any person desiring to inspect the same.

SEC. 3. The commissioners shall have power to receive subscriptions and donations in money or property, real or personal, which shall be applied to the construction of said road; they may make contracts for constructing the same in a solid and durable manner, and keeping the same in repair, and they shall have power to purchase and procure all necessary implements and fixtures to preserve and keep the said road in repair.

SEC. 4. That the commissioners shall meet on the first Monday in March next, or within one month thereafter, and, after being duly sworn, shall organize by choosing one of their own number president of said board. They shall then take measures for operations on said road, and file a copy of their proceedings with the auditor of said county.

SEC. 5. The taxes levied for road purposes on all property within one mile on each side of said road, through which said road may pass, and between the two extreme points, shall be applied to the making and repairing of said turnpike road, also, this road shall be entitled to its proportional part of all the funds of this State set apart and to be appropriated to State roads: *Provided*, That all persons owing such tax who may discharge the same in labor, shall apply such labor under the direction of said commissioners or their agents appointed for that purpose in accordance with the acts now in force in said county regulating road labor on public highways, and the receipts of such commissioners or agents for such labor shall be received by the treasurer and auditor as the receipt of suvervisors.

SEC. 6. So much of the taxes appropriated by that act as shall be paid into the county treasury shall be computed by the county auditor and paid over to said commissioners or their agent, and all taxes so computed and paid over shall be expended on said road by said commissioners.

SEC. 7. The said commissioners shall have power to receive donations of land to aid in the construction of said road, and to sell and convey the same in fee simple, and they shall expend the money in their hands on such road.

SEC. 8. The said commissioners and their successors shall be a corporation, by the name and style of the "Allen county Free Turnpike Company," for the purpose of carrying into effect the provisions of this act, and it shall be their duty to prosecute for all obstructions to said road, and for injuries done to the same on the bridges thereon, and the amount collected in cash shall be applied to said road.

SEC. 9. The said commissioners shall annually in the month of January make a full settlement of their receipts and expenditures under this act, with the board of commissioners of said county of Allen, and deposit a copy thereof in the auditor's office of said county.

SEC. 10. The commissioners of said road shall be allowed a reasonable compensation for the time they necessarily are employed, and when any vacancy shall happen by death, resignation, or otherwise, the commissioners of said county shall fill the same, on being notified thereof, as often as the same may occur.

SEC. 11. The incidental expenses for the construction, preservation, superintendence and repair of the same shall be paid out of the funds appropriated by this act to the preservation and repair of said road.

SEC. 12. This act shall be in force from and after its publication.

CHAPTER CCCLXV.

An Act to amend an act incorporating the Indiana Mutual Fire Insurance Company, approved January 30, 1837.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the law granted to the Indiana Mutual Fire Insurance Company, in the ninth section of their act of incorporation shall continue in force until all assessments made for liens and expenses shall be fully paid.

SEC. 2. That the affidavit of the person demanding payment of any assessment, as required in the fourth section of the amendment to said act, approved February 18, 1840, naming the day of demand, shall be sufficient evidence in all courts of law and equity of such demand having been duly made.

SEC. 3. That this act shall be in force from and after its passage.

CHAPTER CCCLXVI.

An Act to amend an act entitled "An act to incorporate the Laporte University," approved January 20, 1842.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the medical department of said Laporte University shall herafter be called and known by the name of the Indiana Medical College, and in all proceedings relative to said department, to the trustees of said University may be styled "the Trustees of the Indiana Medical College."

SEC. 2. This act shall be a public act and shall be in force from and after its passage.

CHAPTER CCCLXVII.

An Act to establish a certain State Road therein named.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That David Foster and Andrew Barngrove of the county of Richardville in said [State], be and they are hereby appointed commissioners to locate and mark a State road commencing at the town of Kokomo, in said county, thence by the nearest and best road to intersect the Delphi and Munceytown State road at or near Lamb's mill on Honey creek in Richardville county.

SEC. 2. The said commissioners shall meet at Kokomo at such time as they shall agree upon, and shall proceed (after taking an oath of office) to locate and mark said road, and shall report the same to the board of commissioners of said Richardville county, according to the laws now in force, and the said board of commissioners shall allow the said locating commissioners a reasonable compensation for their services.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCCLXVIII.

An Act to locate a certain State Road therein named.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Benjamin Lasurd, J. L. McCreary of Richardville county, and George Parks of Tipton county, be and they are hereby appointed commissioners to locate a State road commencing at the mouth of Kokomo creek, in Richardville county, and thence by the nearest and best route to intersect the Boxleytown road at or near the Indian prairie in Tipton county.

SEC. 2. The said commissioners shall meet at Kokomo in said Richardville county at such time as they may agree upon, and proceed to view and locate said road, and shall report their location to the auditor or board of commissioners of their respective counties according to the laws now in force, and the said commissioners shall be allowed a reasonable compensation for their services, to be paid out of the county treasury in which such commissioner may reside.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCCLXIX.

An Act to vacate a part of the town of South Bend, in St. Joseph county, Indiana.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all that part of the plat of the town of South Bend, in the county of St. Joseph, laid out by Samuel Martin and Francis R. Leeth, lying west of Main street and south of Canal street, in said town, be and the same is hereby vacated.

SEC. 2. This act to take effect from and after its passage.

CHAPTER CCCLXX.

An Act explanatory of a certain act therein named.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled "An act fixing a certain annual compensation to the auditor of Hamilton county," approved January 13, 1845, shall not be so construed as to exclude the auditor of said county from receiving the per centum heretofore allowed that officer for his services in managing the trust funds of said county, in the same manner as if said act had not been passed.

CHAPTER CCCLXXI.

An Act to locate a State road from Greencastle, in Putnam county, to Covington, in Fountain county.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Joseph H. Nelson of the county of Fountain be, and he is hereby appointed a commissioner to view, mark and locate a State road connecting with the State road from Greencastle, to Russellville, at the latter place, and from thence on the nearest and best ground that can be had, to the Wabash and Erie canal at or near Covington, in Fountain county.

SEC. 2. It shall be the duty of said commissioner to survey said route and plat the same, and make a report of the copy of the same to the auditors of the several counties through which the same may pass, and the said road when so platted and returned is hereby declared a public highway for sixty feet in width, and the supervisors through whose districts the same may pass, shall proceed immediately to open and put the same in repair for travel.

SEC. 3. That Jacob Durham of the county of Putnam, and Joseph Ristine of the county of Fountain, and the several supervisors of roads through whose districts the same may pass, are hereby authorized to receive subscriptions and donations in work, money or materials for the better opening and putting in repair the said road, and are hereby required to expend the same on said road, as they shall deem of the greatest public utility.

SEC. 4. The services of the said commissioner and the surveyor,

chain carriers and markers by him employed, shall be paid out of the county treasuries throughw hich the same may pass, in proportion to the distance of road in each county, and the said Durham and Ristine shall be allowed an equitable compensation for their services to be paid out of the fund subscribed.

SEC. 5. This act to be in force from and after its passage.

CHAPTER CCCLXXII.

An Act to furnish Tipton county with the Revised Statutes of 1838.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State Indiana*, That the Secretary of State is hereby authorized to furnish Tipton county with a sufficient number of copies of the Revised Statutes of eighteen hundred and thirty-eight, for each officer of said county to be entitled to one copy.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCCLXXIII.

An Act to amend an act entitled, "An act to locate a State road from Peru to Canton, and also to locate a State road from Kokomo, in Richardville county, to Frankfort, in Clinton county," approved January 13, 1845.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the board doing county business in the several counties through which the roads in the above mentioned act pass, to allow to the commissioners appointed to locate said road, a reasonable compensation for their services in locating said roads, in proportion to the distance said road may be located in their several counties, any thing contained in the act to which this is an amendment to the contrary notwithstanding.

SEC. 2. This act to be in force and take effect from and after its passage.

CHAPTER CCCLXXIV.

An Act to authorize the treasurer of Richardville county to sell lands, returned delinquent for the non-payment of taxes, in said county.

[APPROVED JANUARY 20, 1846.]

WHEREAS, It has been represented to this General Assembly, that the auditor of Richardville county, in said State, [of Indiana] neglected to advertise for sale, the lands of said county, returned delinquent for the non-payment of taxes, for the year 1844: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be and it is hereby made the duty of the auditor of said county to give the requisite notice, according to the law now in force, that said lands, so returned for the non-payment of taxes, for the year 1844, will be sold for taxes, on the first day of the next term of the Richardville circuit court, if the same can all be sold or offered for sale on that day; if not, said sale to continue from day to day, until all are sold.

SEC. 2. The officers of said county, at said sale, and all the proceedings in regard thereto, shall be regulated according to the laws now in force on that subject; and the sales so made shall have the same force and effect as if the same had been made on the first Monday in January, 1845.

SEC. 3. This act to take effect and be in force from and after its publication in the Indiana State Sentinel, and Journal; and it is hereby made the duty of the secretary of State to forward a certified copy of this act to the clerk of the Richardville circuit court, immediately after its passage.

CHAPTER CCCLXXV.

An Act to revive and continue certain provisions of an act entitled "An act to incorporate the Hagerstown and Winchester Turnpike company, and for other purposes," approved February 18th, 1839.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the privileges heretofore by said act given to the Hagerstown and Winchester turnpike company, is [are] hereby renew-

ed, and the time for the commencement of the construction of said work shall be extended until the first day of February, 1849.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCLXXVI.

An Act to provide for the appointment of township assessors, in the county of Tipton, and defining their duties.

[APPROVED JANUARY 19, 1846.]

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the law regulating township assessors in the counties of Washington and Owen, approved January fifteenth, 1844, is hereby extended to the county of Tipton.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCLXXVII.

An Act for the relief of Andrew Richardson.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the auditor of Laporte county be and he is hereby authorized and required to credit to Andrew Richardson, on account of money now due or to fall due from him to the school fund of said county, for the use of town number thirty-five north, of range number four west, the sum of sixty-one dollars twelve and a half cents, which was charged against and paid by him, as damages, for failure to pay punctually, certain interest which was due from him in the year 1845, on purchase money of school lands in said township.

CHAPTER CCCLXXVIII.

An Act empowering Rachael Blair, executrix of Enos Blair, deceased, formerly collector of Monroe county, to collect arrears of taxes.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Rachael Blair, executrix of the last will and testament of Enos Blair, deceased, formerly sheriff and collector of Monroe county, be and she is hereby authorized and empowered to collect all arrears of taxes due said Blair according to the law in force on that subject at the time, and to receipt for the same, which receipt shall be a good discharge of the tax payers therefrom.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCLXXIX.

An Act amendatory of an act providing for an additional place of holding elections in Vermillion county.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the qualified voters of Clinton township, Vermillion county, who shall vote at the precinct established at Indiana furnace by the act to which this is amendatory, approved January 5, 1844, may, at the election on the first Monday of April annually, vote for one inspector of elections held at that precinct; and the qualified voters, as aforesaid, who shall vote at the precinct at Clinton, may, at the election held at that precinct on the first Monday of April annually, vote for an inspector of the elections held at that precinct, the said elections to be governed in all respects by the laws now in force on that subject.

SEC. 2. All acts or parts of acts coming within the purview of this act be and the same is [are] hereby repealed, and this act shall be in force from and after its passage.

CHAPTER CCCLXXX.

An Act declaring a county road running through a part of the counties of Clay and Putnam a State road.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county road leaving the Cumberland road near the Croy's creek bridge, in Clay county, running by York's mills and so on through a part of each county, Clay and Putnam, to intersect the Bowling Green and Greencastle road near Isaac O'Swalts.

SEC. 2. The above described road is hereby declared a State road, and it shall be the duty of the clerks of the courts of Clay and Putnam counties to have said road placed under the care of supervisors in the several districts whose duty it will be to proceed to open said road the usual or common width of other State roads in this State, and for said [road] to be kept in repair by the same means that other State roads are.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCCLXXXI.

An Act authorizing a settlement with Spears and Case for work done on the side cut at Delphi, in Carroll county.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the officer having charge of the Wabash and Erie canal east of Tippecanoe, as soon as possible, to make a settlement with Spears and Case, for work done by them under an act entitled "An act relative to water power at the town of Delphi, Carroll county," approved January 20, 1842; and to give to said Spears and Case a certificate for the amount of work done by them under said act, which shall be paid out of the rents derived from the water power created by the side cut constructed by said Spears and Case near said town, and the said certificate shall draw six per cent. interest from the time the contract was completed by said Spears and Case, until payment thereof shall be made.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCCLXXXII.

An Act to dissolve the bonds of matrimony between Rowley McKay and Sarah McKay.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bonds of matrimony heretofore solemnized and now subsisting between Rowley McKay, of Jefferson county, and Sarah McKay, late Sarah Heady, be and the same are hereby dissolved.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCCLXXXIII.

An Act relative to supervisors in the counties of Carroll and Clinton.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That, whenever it is found necessary for any of the several supervisors of Clinton and Carroll counties to double a road tax on resident lands, it shall [be their duty] and they are hereby authorized to double the same on all non-resident lands in their respective districts.

SEC. 2. This act to be in force from and after its passage.

OFFICE OF SECRETARY OF STATE,
Indianapolis, March 10, 1846.

INDIANA, TO-WIT:

I do certify that I have compared the foregoing printed Acts with the original rolls on file in my office, and find them correct, with the exception of the words included [thus] or (thus), inserted or enclosed to aid the sense, or to supply omissions in enrolling.

JOHN H. THOMPSON,
Secretary of State.

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